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Europa civică
România civică



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Civil Europe

Civil Romania



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TODOR ARPAD: CIVIL EUROPE – CIVIL ROMANIA

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Foreword

Dear Reader, you are holding in your hands the end product of a Hungarian-Austrian-Romanian joint venture, in three volumes.

The organisations involved in the EUCivis: Civil Europe – Civil Hungary – Civil Austria – Civil Romania project have undertaken to present the situation of the civil society in their country, and also attempt to assess the challenges faced by the sector and outline the directions of progress and the possible answers.

In short, this book is about the past, present and future of the civil society of three countries of the region. Taking into consideration the lessons of the common past, we must keep in mind that we can only prosper if we search for answers to the questions of common concern in co-operation, by upholding our common values and not to the cost of each other.

We profess with conviction: in this seemingly complicated world the European Union provides appropriate frameworks to supplying the answers.

In this process the civil society organisations play an unavoidable role, one that cannot be substituted with anything. Their characteristic features, i.e. their independence, sensitivity towards social issues, resourcefulness, flexibility, openness, co-operative spirits make them eminently suitable to become an integral factor.

We trust that these three volumes will not simply gather dust on the bookshelves but will serve as a helpful aid for researchers, politicians, public administration officers, teachers, journalists, students and naturally the representatives of the civil society organisations – in short, for many people.

Besides the authors and the contributors, we also wish to thank the Education, Audiovisual and Culture Executive Agency (EACEA) of the European Union for having helped the implementation of our project in the framework of the „Europe for Citizens” Programme 2007 – 2013.

On behalf of the three civil organisations implementing the programme, we wish you happy reading.

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Section I

Introduction

The aspiration of being part of Europe from a political, cultural and economic standpoint represented a constant idea in Romanian society's evolution during the last two centuries. European values and spirit have permanently contributed as a means of orientation in decisions concerning the modernization of different aspects of Romania's social, economic, political and cultural life¹.

Even if there have been many traditional thought movements that have challenged the Europe orientation idea as a model for Romania's modernization, they did not significantly influence the policies adopted. In this general trend, Romanian civil society's evolution can also be analyzed, especially after the Communist period.

As can be seen from one of the most quoted surveys in the last two decades, Making Democracy Work by Robert Putnam², the functioning of a viable democracy is directly connected to a strong civil society. The organized civil society has the role of mediator between the society and the state's governmental apparatus, limiting, when applicable, the abuses of the state, especially when this has a totalitarian origin. Concerning this, the civil society's role of protecting human rights and political freedoms has been crucial in Romania in the period following the fall of the Communist regime. The democratization process, continued through accession to the North Atlantic Treaty Organization (NATO) and the European Union (EU), is an excellent illustration of a powerful civil society. Especially after the Communist period when the only association forms were the official ones, the civil society should recreate a part of the social link destroyed during Communism, thus reducing individual atomism. Unlike the classic path of the development of the civil society beginning with developing association – civic behaviors and voluntary actions develop for the use of the community, with the behaviors subsequently institutionalized as official organizations - Romanian civil society's rebirth began through institutionalization around some opinion leaders and the newly created organizations followed to create the social basis.

Once there occurred transformation in European citizens, Romanian society has acquired new responsibilities whose fulfillment is also connected to the quality of the civil society, especially the capacity of mobilizing social energies in certain directions. The integration process at the European level leads the civil society to acquire a vaster role with more complex tasks, which brings about the necessity to correlate the civil society's activities in different member states. Next to the issues specific to each country are those problems that must be approached at the level of the entire EU, and thus collaboration of the civil society organizations at the European level becomes a *sine qua non* matter for maintaining a strong democracy given European accession.

Historical background

Church and lay charities, voluntary organizations before World War II

Due to an adversarial historical legacy, following the influence of the Ottoman Empire and the lack of social modernization, until the mid 19th century civic activities in Romania's territory have been minimal as compared to developments at a European level³. Still, because of some specific historical circumstances, donations supplied to the Orthodox Church have represented the main characteristic of the charity behavior in the Romanian context. Moreover, in 1864 the Orthodox Church held 22.31 % of Moldavia's territory and 25.26% of the Țara Românească's one⁴.

The occurrence and development of a civil society in Romania is directly connected to developing a public area. This process was facilitated by a large number of newspapers published after 1860 and by the presence of an educated intellectual class in Western Europe. These elements led to numerous social, cultural, religious and political debates. There is no doubt that the development and modernization model of the Romanian political and cultural elites has been represented by Europe, and especially by France⁵.

While 80% of the population continued to live in rural areas, the urban space developed a series of social networks until the World War I period. The clubs of political and cultural elites were organized around two main parties, the Liberals and the Conservators. At that time, they represented the main forms of involvement in social and political life. For example, the "Junimea" club in Iasi dominated the cultural debates concerning Romania's development model and it set out the concept that subsequently generated significant effects. As well, a series of middle class male dominated clubs were organized not only around some sports activities, but also around some religious activities, especially the ones belonging to the non-Orthodox religions (Catholics, Jews, etc.).

On the contrary, in the rural areas the first peasant associations were set out in the beginning of the 20th century as part of a reform process stimulated by the educational program initiated by Spiru Haret, minister of education. As well, many popular banks and agriculture associations were incorporated, associational forms that continued to exist until the Communist regime came in office. Another type of association was by the Socialist club, which was the self-named representative of the state interests for training industrial workers in the urban centers⁶.

The Romanian Orthodox Church went through an adaptation process to the new tendencies, initiating a process for developing some charity activities that did not exist before, an example being the cafeterias for poor people. While the state was absent at the level of redistributive activities (social character), the charity organizations benefited from a positive development background, thus becoming an activity ground for many women in the high society or, sometimes, for those in the middle class. Later, a part of these associations was transformed into a promoter of women's rights. One of the most important associations was the National Orthodox Society of Romanian Women. The main source of income for these associations was the donations supplied by people in the high soci-

ety, as humanitarian acts. In the same manner, parts of the first public institutions were created, not just from funds offered by the state, but also by the high society: hospitals (Brâncoveanu, Elisabeta, etc.), public libraries (Carol I Foundation, Ferdinand Foundation and Carol II Foundation), kindergartens and orphanages, and adult education institutions. The Romanian Academy began during this period as one of the main recipients of donations from the non-religious persons⁷.

In order to benefit the legal acknowledgement, each organization should have received the approval of the Parliament, which was almost impossible without some connections among the political elites. This aspect made for the only association types acknowledged to be ones having a cultural and political character. After World War I and after the creation of Great Romania through union with a series of multicultural provinces such as Transylvania, Banat, Bucovina and Basarabia, the evolution of the legislative framework was accelerated by adopting *Law no. 21/1924, known as "Mârzescu law"*. This law created the legal framework for applying the principle of freedom of assembly mentioned in the 1866 and 1923 Constitutions.

The number of associations and foundations grew dramatically during the inter-war period. Many of these associations were cultural associations created in order to make people (urban, but also rural) familiar with certain skills. Another type of associations was the kind promoting the rights of women, especially the right to vote, for example the CNFR, the National Council of Romanian Women (1921-1939), but also the ones envisaging the implication of this movement in social types of activities. As well, the religious and ethnic minorities managed to set out their own cultural associations meant to protect their identity and their cultural heritage. Still, due to some structural factors, the level of associative life in Romania was low during this period compared to the European average. Despite economic progress, the number of poor people remained very high while at the same time, with the rise of totalitarianism in Europe, nationalism gradually became the only civic form accepted. After 1930, increasing support from the *State for the charity foundations was made in order to control*, but also to develop, a series of social problems through them.

Voluntary organizations in the period of state dominance

During the Communist regime, the great majority of activities developed by the civil society, no matter their type, were subordinated to the Communist Party through the state apparatus. In 1948, the state nationalized most private companies, and subsequently all economic activities were brought under the state's direct control or organized under the form of *production cooperatives*. Until 1962, the entire land area, except for the mountain zones, had been nationalized or transformed into *agriculture cooperatives*. No type of independent social activity was tolerated, being perceived as an opposition to the regime and being punished with 5 to 10 years imprisonment. The greatest part of the elites that did not manage to find refuge in Western Europe or the United States of America had been put in prison, while a significant number of the peasants had been dislocated in Banat and Bărăgan. At least one Security officer was deposed in any unit where social activities took place and the people were expected to perform a *self-criticism* and to be

watchful in connection to other people's activity. Lacking private ownership and due to a total dependence on state-obtained incomes, the greatest part of the population avoided involvement in alternative activities. At the same time, an important part of the population was transformed from peasants into workers due to the rapid industrialization and urbanization process begun in the 1950's⁸.

As in the case of other totalitarian regimes, there developed, under a strict state control, a series of leisure, educational and sports activities that became the main methods of social involvement. Officially, the rights of women were equal to those of men even if in practice this meant a doubling of the work quantity due to permanently supplying household labor. It was not until after 1977 that the incorporation of tenants' associations was allowed, as these organizations were inoffensive to the political regime due to the fact they just managed small organizational subjects.

The events in 1956 in Hungary caused strong protests among students, which represented the last such moment for more than two decades. Only after the signing of the Helsinki Agreement in 1975 by Nicolae Ceaușescu, did their occur more protests, with a series of important protests for the workers' cause, as well as a creation of alternative social networks, especially among intellectuals. One illustration of the passive civic resistance was represented by the great audience Radio Free Europe and Radio American's Voice had, as well as by the migration of Romanian citizens of Jewish and German origin. The first major social riots took place in January 1977 when Paul Goma initiated a petition according to the Czechoslovakian model of Chart 77, while in August the miners in Valea Jiului almost succeeded in their plan to immobilize Ceaușescu in order to force him to satisfy their demands. In March 1979, a Free Union of Workers was rescinded immediately after its incorporation, while during the 1980s numerous protests on the job took place in different urban centers, the most important being those in Motru (1983) and in Brașov (November 1987).

A series of unofficial social networks existed permanently among intellectuals, but they became strongly political after the *Cultural Revolution* in 1971, and the movement named Romanian protochronism should also be mentioned. *The Păltiniș School* developed an impressive network of intellectuals refusing the cultural policy imposed by the state, while debate groups around the *Opinia studentescă (Student Opinion)* and Dialog (Dialogue) student magazines were also created. Many intellectuals began to publish their works in a clandestine manner and they published protest letters outside Romania. Many of these young protesters became major actors in the development of the civil society in the 1990s, such as the Social Dialogue group, which was created around a group of reunited intellectuals. The 1980s represent a tumultuous period when, despite the Security's efforts to control society, a part of these unofficial networks continued to survive. For example, in 1987 Corneliu Coposu managed to affiliate the National Peasants Party to the Christian Democratic International.

Unlike countries such as Hungary, Poland or Czechoslovakia in which even given the Communist regime's conditions there continued to exist critical public voices and organizational forms alternative to the state ones, the Romanian opposition was main-

tained only through several dissident intellectuals. The low number of dissidents represented extraordinary cases, not having a systemic influence at the society level. In these circumstances, the pessimistic provisions in the beginning of the 1990s concerning the capacity of Romanian society to become a democratic one were more than substantiated. Still, almost two decades since the fall of the Communism, it can be argued that despite a delayed start compared to other countries, Romanian civil society has the capacity to catch up on the historical delays in the medium term.

The emergence of an independent third sector⁹

The Revolution in December 1989 represented without a doubt the rebirth moment of Romanian civil society. After the initial creation on December 22, 1989 of the National Salvation Front's Council as the body of state power, in which were included a number of known opponents of the Ceausescu regime, the intention to transform this organization in a political party led to the resignation of these persons. They then joined the civil society that opposed the new political leadership. The street movement in the first years has been characterized as anti-state, bearing the famous label of „hooligans,” supplied by the President for the rioters in 1990's University Square. Due to constant criticism from the civil society and the new government's Communist reflexes, the civil society was perceived in the first years as the enemy of political power. After parliamentary and presidential elections in 1992, the relation between the civil society and the political power reached normalcy, culminating in changing the political power in 1996 when the main ally in the governing coalition, the Democratic Convention in Romania (CDR) held a series of civic organizations within the Anti-totalitarian Democratic Forum in Romania. Even if initially these organizations initially played a role in formulating the policies of the new government, they have been gradually removed from making political decisions.

Box 1: Chronology of regulatory events

- 1990: Foundations and voluntary associations can be established without government permission
- 1991–1993: Civil society as public enemy
- 1992: Tax exemption of all non-profit activities, unconditional and unlimited tax deductibility of the donations to foundations
- 1994: Systematic regulation of sponsorship activities (Law 32/1994)
- 1997: Economic and Social Council is created
- 2000: OG 26/2000 replaces the 1924 Law regulating NGO's activity. Public utility status is introduced
- 2003–2006: Law 43/2003 regulating political parties and electoral campaign financing allows for NGO's to support political activities. This forecast raises many disputes.
- 2003: Public consultation are introduced as norm in Romanian legislation
- 2005: 1% of the personal income tax can be given to nonprofit organizations selected by the taxpayer. In 2006 the percentage is increased to 2%

The evolution of the number of civil society organizations can be considered spectacular, starting with minimal figures in 1989, reaching 13,000 in 1996, over 44,000 in 1999¹⁰ and over 53,000 in 2008. From a legal point of view, Mârzescu's law from 1924 has not been rescinded, thus it was the legal basis for incorporating the newly created non-governmental organizations. Along the years, the complexity of the legal framework for operating different activities of the civil society permanently grew. Still, only in 2000 was a clear and predictable legal framework reached from the point of view of the NGOs' incorporation procedure, the management and the relations between the public administration and the non-governmental organizations¹¹. The Governmental Ordinance (OG) no. 26/2000 concerning associations and foundations finally replaced the old law through the creation of a unitary framework. It was used for: exercising the right to freedom of assembly; promoting civic values, democracy and the lawful state; following the achievement of a general or local interest, or, as applicable, group interest; facilitating access of the associations and foundations to private and public resources; and developing partnerships between public authorities and private legal persons without patrimonial purpose.

It must be mentioned that after 1992, a series of fiscal facilities for the NGO sector was introduced, the most significant being the VAT payment exemption for NGOs and the payment exemption of custom duties for vehicles older than 8 years received as donation. Unfortunately, this law greatly increased the number of NGOs that developed as profit-making ventures with no activity oriented towards the community, an aspect explaining a part of the spectacular growth in the number of organizations. Nevertheless, overall the fiscal regime remained more confusing for the non-profit sector, especially in the area of global income tax, access to different types of exemptions and the taxation of different income generating activities.

Sponsorship activity has been systematically regulated beginning with *Law no. 32/1994*. Due to the sensitivity of the matter and due to the increasing complexity of reality regulated by law, it has received many modifications over the years. Right now, Romanian natural or legal persons supplying sponsorships in the areas provided for in article 4 benefit from a deduction of their taxation base equivalent in value to the sponsorships. This cannot be greater than: 10% for sponsorships in the areas of culture, arts, education, health, social work and social services, humanitarian actions, and environment protection; 8% in the education, human rights, sports, fundamental and applied science and research areas, or the humanitarian domain and maintenance, restoration, preservation and valuation of historical monuments; and 5% in the areas of religion, society and community, professional associations, and football. In 2000, *public utility status* was introduced into the legal framework through the *Governmental Ordinance no. 26/2000* and in 2003 through *Law no. 571 concerning the Tax Code*. This follows the model of the similar Hungarian law, with the 1% Law that subsequently became 2%, aspects that led to a relative adaptation of Romanian legislation to the European one.

The importance of international donors for developing the Romanian civil society can not be underestimated. One of the structural factors that contributed to orienting the international donors to the non-governmental sector was also supplied by its great flexibility

compared to the bureaucratic and inefficient state-owned institutions. By creating a strong non-governmental sector, international donors had a view to creating some additional pressures for accelerating administrative reform and decentralization and for increasing the quality of democracy¹². Moreover, this trend is now one of the most important sources of vulnerability of the non-governmental sector. The relatively easy access to foreign financing sources has hindered the development of fund raising capacity at the community level. If in the beginning the funds from international donors had the role of creating a starting point for the new organizations, it can be argued that they also limited the interest towards voluntary activity and funds obtained through donations.

One of the most important sources of distrust as regards the relation between NGOs and political parties has been supplied by the provisions of *Law no. 43/2003 concerning the financing of the activities of political parties and electoral campaigns*. Although there existed strict limits for funds coming from sponsorships, membership fees, donations and subsidies from the state budget, the law provided that NGOs could support political parties without any maximum limit. Despite protests from the civil society concerning the possibility of encouraging money laundering, the regulation remained in force for the 2004 election year; it was eliminated only when the new law of financing political parties was passed in 2006.

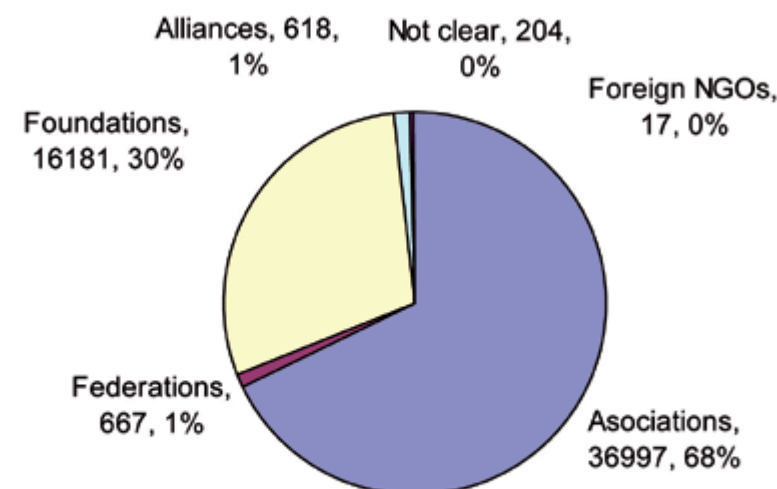
Without a doubt, the European Union integration process led to an increase in the importance of the civil society, especially from the point of view of its capacity to influence the political area. After 1999, when European Union integration became almost certain, the non-governmental sector managed to efficiently use the requirements issued by the EU - conditions defined most times only in a broad context - in order to promote its own agenda items. In addition, the reports of different civil society organizations have been constantly used for assessing Romania's progress by the EU bodies, which influenced the attitude of the political class. An important example is the documented existence of several times when different reports of the Romanian organizations have been discussed during some government meetings.

The current situation

Types of organizations

According to data from the Ministry of Justice, the civil society is divided into the following categories: associations, foundations, federations and unions, the latter having a relative diminished presence. Even if in practice a high number of these NGO's only exist on paper or have only sporadic activities, the constant increasing trend of this number is an indication of the exponential growth of Romanian associative life's importance.

Figure 1. Types of NGO's in 2008 according to the National NGO's Register



Source: Ministry of Justice www.just.ro

According to Romanian legislation¹³, associations are defined legally as consisting of three or more persons that, according to mutual understanding, commonly contribute the material, knowledge and labor necessary for achieving some general interest activities of some communities or, as the case may be, for their personal and non-patrimonial interest. As can be seen from Figure 1, this association form comprises almost 70% of the total Romanian NGO organization forms. The legal personage of an association is acquired through a memorandum of association and the submission of the articles of incorporation of the association. The memorandum of association is made up of the following: identification data of the associate members, an expression of the association's will and the purpose envisaged, the name of the association, registered office of the association, operation duration and as regards the patrimony, the management, administration and representation bodies in legal relations must be outlined. An association's articles of incorporation must include the following: an explanation of the purpose and the objectives of the association, the manner of acquiring and losing the associate position, rights and obligations of the associates, categories of patrimonial resources of the association, and attributes of the association's management, administration and control bodies.

According to prior surveys¹⁴, registering the organizations belonging to the civil society did not represent a problem in Romania for some time. Still, the regular legislative changes,

many times brought about through some emergency ordinances that remained valid for some months, and modifications in Parliament, created a series of confusions. As well, the fact that only in 2000 - more than ten years since the fall of Communism - the 1924 law was finally rescinded, shows a lack of interest in coherently regulating the area. The authoritarian reflexes of the Romanian state are far from being extinct, and even in 2003 there were attempts to impose a series of limiting conditions, especially as regards approving the incorporation of some associations by the ministry coordinating it. This regulation would have reintroduced a politically arbitrary factor in the game. From a legal standpoint, the trade unions and religious affairs are part of a different category; in Romania, a different law regulates them. As compared to the European average, the legal provisions regulating the incorporation conditions of the trade unions are relatively restrictive¹⁵

Two or more associations or foundations create *federations*. Federations without patrimonial purpose acquire their own legal personage and operate according to the legal provisions for associations. A federation can be acknowledged by the Romanian Government as having a *public utility status* if at least two thirds of the number of associations and foundations that make it up are acknowledged as being of public utility¹⁶. In practice, from the point of view of NGO cooperation, these umbrella type of organizations are not extremely developed in Romania, with informal bases of cooperation for short-term projects being preferred in general. The different *coalitions* that appeared, especially after 2003, for supporting a certain project are the most visible form of this phenomenon. The fact that EU budget financing comprises aspects linked to partnership could lead to changing this trend, resulting in the development of some strong networks with a broad geographical dissemination.

Foundations are the legal subjects incorporated by one or several persons that, according to a legal document between the living persons or for a death-related cause, create a patrimony submitted, permanently and irrevocably, to achieving a purpose of general interest or, as the case may be, an interest of some communities¹⁷. Companies may create corporation foundations, which are financed fully or partially by the private business environment, and have, in general, the support or development of social, civic, health, education or cultural programs as a purpose and act at a local or global level. *Unions or confederations* represent the union of several organizations or social groups according to some conventions for the purpose of defending some interests or for recovering some common rights. *Foreign legal persons* develop activity on Romania's territory according to a bilateral or multilateral agreement and, unlike the other NGO organization types, they can receive a series of additional facilities or they can be subject to the restrictions mentioned in the agreements according to which they develop their activity.

The advocacy activities that can be fulfilled by civil society organizations are not legally limited. In a survey¹⁸ on the perception connected to the legislation's effects on these activity types, almost 60% of the respondents that took part directly in different civil society activities believed that Romanian legislation does not directly support the advocacy

activities performed by civil society organizations. On a whole, the lack of some obstacles combined with legal provisions concerning the transparency of decision documents, offer important opportunities to the civil society organizations to find and to intervene in due time to rectify certain political decisions with potential inadequate effects. Moreover, after 2003 there were numerous cases in which different legislative initiatives posted on the Internet for public consultation have been altered because of some reactions from the civil society. Still, reactions on certain discussion items cannot replace a consultation process prior to the process of creating different public policies and laws.

Right now, civil society organizations acting in the social services area need to obtain a special license in order to fulfill their activity. According to *Law no. 272 in 2004*, the conditions most difficult to be fulfilled are connected to the need to obtain an accreditation for different types of services they supply; for those activities that involve working with children the conditions for obtaining a license are special¹⁹.

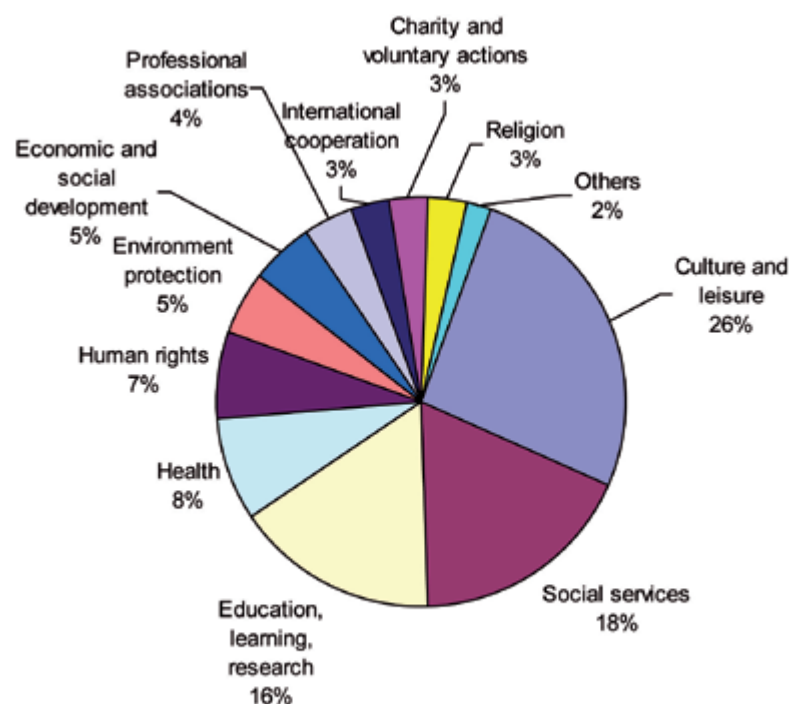
The assessments for the Romanian civil society tend to mention maintaining some structural weakness despite the constant evolution²⁰. On a whole, there are limitations due to weak citizen participation, a very weak association structure between organizations and a low general cooperation level. Despite some constant efforts for mobilizing the public around some general concern issues, civil society organizations obtained modest results. The dimension in which the Romanian civil society was mostly positive assessed was the one of the values promoted, although the entire promotion of some post-materialist values, usual for the developed societies, holds more of a secondary position.

Size, structure, and functions of the non-profit organizations

According to a 2005 survey²¹, organizing civil society organizations according to the criterion of functions they fulfill requires no less than 20 categories. These are: religious organizations, trade unions, civic and social organizations (human rights, etc.), service suppliers (education, health, social services), training and research organizations (think-tank), non-profit mass media organizations, women's associations, student and young people clubs, organizations of the socially and economically marginalized groups, professional and business organizations (Chamber of Commerce, professional organizations), local organizations, economic organizations, ethnic organizations, environment organizations, cultural organizations, sports and leisure organizations; networks, federations and support organizations; and social movements.

Still, the above list cannot capture the entire complexity of the functions fulfilled by the civil society. In general, when speaking about the civil society, in Romania we refer to those NGOs of the type of civic and social organizations, cultural and leisure organizations, social service suppliers, environment organizations. The professional organizations and the trade unions are being part of another category because they envisage reaching some benefits only for their own members. As well, the religious and ethnic types of organizations have special regulations, especially from the point of view of the constant access to financing.

Figure 2. Distribution of associations and foundations according to their type



Source: Catalogue of Associations and Foundations 1999.

As can be seen in Figure 2, the cultural and leisure associations are the greatest part of the number of NGOs in Romania. One of the explanations for this presence is the fact that this type of associations also existed during the Communist period, not having a dangerous political potential. In general, spending free time is organized at the local level in different sport clubs, with mostly the sports associations responsible for maintaining the infrastructure necessary for different sports. Cultural associations are especially organized on a local basis and they have a clearly defined objective, this being, in general, the promotion of certain cultural personality, a location, etc. The sports and the cultural associations are usually indirectly supported from funds from the state budget for covering the expenses connected to their operation.

Supplying social services is one of the most important functions of Romanian NGOs. The access to public funds for this type of activities was allowed after passing Law no. 341 in 1998. With this, the state acknowledged the importance of collaboration with the civil society in this extremely important area. The public financing sources for this type

of service remains relatively low, according to the figures supplied by the Ministry of Labor, Social Solidarity and Family. Until 2004, 238 grants had been offered from the state budget to around 9,000 persons. In the last years the situation constantly evolved, according to the MMSSF data, and at the end of 2006 a number of 1,164 suppliers were accredited for social services at the level of the entire country, of which 742 were private suppliers. As can be seen in Table 1., at the same time as they increased the budgetary allocation for NGOs in this area, the last years also increased the NGO's capacity of accessing these funds. One of the reasons this evolution was delayed was the fact that these amounts could not have been granted because sometimes the NGOs did not apply in the budgetary categories for which funds could have been granted²².

Table 1. Level of financial supporting, in billion of lei, of the program financed from the state budget as against the level of amounts granted to NGO's

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006
Amounts* provisioned in MMSSF's budget for applying Law no. 34/1998	600	1600	3200	3030	4000	3662	3998	4319	4517
Duration in months of the subsidies according to the normative acts	2	9	11	11	11	12	12	12	12
Amounts granted to the associations and foundations following the requests and the assessment	106	657	2276	3030	3330	3662	3998	4319	4517

*thousands RON

Source: CSDF, *Locul și rolul organizațiilor non-guvernamentale pe piața de servicii sociale din România ediție revizuită și completată* (The place and role of NGOs on the Romanian social service market), (Mai 2007).

On a whole, just 25% of the costs for this type of NGOs has been covered from state budget sources because accessing funds from the state budget remained difficult and filled with red tape²³. According to the NGO Sustainability Index from 2005, supplying social services through the NGOs was considered by 56% of the population as the most effective manner for approaching the issues of groups of marginalized persons. Another area in which supplying social services is effective is the one of professional retraining programs, especially in the area of training staff specialized in social services or caring programs.

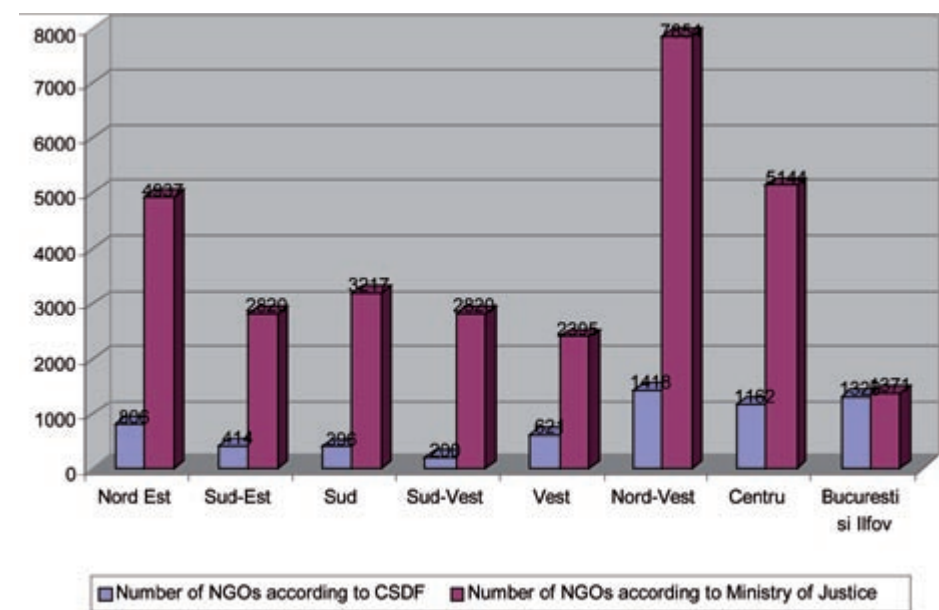
Most of the *associations in the education, learning and research* area are organized around some existing state institutions, having as a purpose a better promotion of the activity of the persons employed in those institutions. An important aspect for developing this type of foundation is given by the extremely rapid development of private graduate education, with most private universities being organized as foundations or associations.

Associations and foundations in the area of health are created for promoting the interests of a special category of employees in the health care area or for promoting a service supplied by the state owned or private health care system through information campaigns for the broad public. They develop advocacy activities in order to lead to some modification of legislation or to some financial grants. In practice, a high number of these associations have as a purpose the promotion of the interests of their own members, with accession in these associations being conditional on the presence of formal qualifications. Associations such as the Physicians College have, in some cases, the right to control the free practice right of the physicians, with the exclusion of persons from the association being the equivalent of rescinding the free practice right.

With the increasing prominence of the issue of environment protection, *associations for protecting the environment* have acquired an increasing importance in Romania. For a long period, the most visible environment protection organization in Romania was Greenpeace, but in the past years a series of Romanian associations have obtained a series of significant successes in approaching some environmental issues. *The Salvați Dunărea și Delta (Save the Danube and the Delta) Association* managed to influence a series of legislative modifications meant to limit the economic exploitation of the fish resources and to preserve the biodiversity in the Danube Delta and on the Danube River. Another example is „Salvați Roșia Montană“ (Save Rosia Montana) campaign through which the beginning of the greatest gold ore exploitation in Romania was slowed, a campaign that reunited an important number of institutions and personalities in a vast advocacy effort.

Associations and foundations in the general *area of human rights* have been by far the most visible from a mass media point of view during Romania's democratization process. In practice, a significant part of the information in this material refers to this type of associations and foundations, and thus details on them will not be supplied here.

Figure 3. Distribution of the NGO's number according to the development regions



Source: FCSD. Document de programare multianuală 2003 – 2007 a sectorului Societate Civilă (Multi-annual programming for Civil society sector 2003-2007) (2003).

In 1997, 90% of the active NGOS in Romania were found in urban areas, and in this percentage 76% were located in the county capitals, but by 2004 the situation had improved, with the percentage of associations in the rural area increasing by a third. According to an assessment performed by CSDF²⁴ (Foundation for Civil Society Development), in 2003 Bucharest was host to the most NGOs and, on the whole, Transylvania (North-west, West and Centre) was by far the leader from the standpoint of associative life. It must be noted that the smallest differential between 'official' NGOs and ones that were actually active (according to CSDF's estimations) was in Bucharest. This can be seen to reflect a greater concentration of technical knowledge connected to the capacity of incorporating a financially and organizationally viable NGO in Romania's capital city. In 1997, 90% of the active NGO's in Romania were located in rural areas, with 76% of them being in county capitals.

These data show a concentration of civil society organizations in Bucharest and Transylvania, as well as their weak basis in Romania's East and South. From a cultural point of view, Transylvania has a series of particular items facilitating a denser organization

of the civil society. Another factor that explains the regional distribution is the resources distribution at the country level. Bucharest and the urban regions in Transylvania have been traditionally well developed from an economic and infrastructure point of view.

In general, a civil society organization fulfills at the same time several roles. An organization focused on promoting the human rights should be in charge with fund raising, ensuring the human resources, formulating a set of actions and timely reacting to different legislative evolutions. The capacity of fulfilling the functions is strongly influenced by the environment an organization develops its activity. Without a doubt, in a democratic society the legal framework is fundamental for defining the limits in which the civil society can fulfill its role. This must be sufficiently permissive for allowing a whole activities range, but that would also limit the possibilities of inadequate using the resources and facilities specific to this area.

Employees, members, volunteers, social participation

The existence of a consistent number of active members in the civil society organizations represents one of the most important bases for the existence of a healthy civil society. The voluntary activity within different organizations can represent an important manner for society integration, but also for accessing different social networks. The regulations in the Labor Code brought in 2003 made for the short-term employment to become more and more difficult and expensive from a fiscal standpoint. These aspects limited the flexibility so needed by the civil society organizations, flexibility necessary due to the discontinuous financing sources. Unfortunately, right now the National Statistics Institute does not collect separate data as regards the number of employees within the non-governmental sector; thus, it is difficult to estimate them according to some low samples due to the high number of associations that only exist legally without having an actual activity.

Overall, the member activation within the civil society organizations in Romania is relatively low. According to the different researches made in the post-Communist period, only 9% of the citizens are members of a professional association, political party, trade union, religious group, sports association or another type of organization and overall, according to a USAID research²⁵, approximately 7% of Romania's citizens have been or are NGO members. As well, the great majority of the persons are members in one civil society organization.

The estimations²⁶ supplied by the trade unions show that in 2007 these had 1.5 million members, dropping from 2 million in 2000²⁷. Even if these estimations support the fact that more than one third of the employed population in Romania is member of trade unions, in practice the estimations made by the trade unions, without verifying or updating, can be considered exaggerated. The continuous privatization process and the sustainable development of the private sector led to the trade unions' power to be more and more limited in practice²⁸. Still, the recent large strikes in 2008 showed that in certain circumstances the trade unions are able to mobilize their members in a relatively efficient manner. Overall,

according to a CSDF poll from 2005, almost 60% of the respondents declared that in the past year they did not take part in a riot, they did not signed a petition or they did not participated in a strike²⁹.

Due to the Communist experience, when the activities named as *voluntary based* from a formal standpoint, but mandatory in practice, the public attitude towards the voluntary activity was mostly negative. The sociological researches showed variations between 8.3% and 55% in the population part that took into account the participation in voluntary activities within some civil society organizations. In practice, in the last years there can be noticed an increase of the interest towards the voluntary activity, especially coming from the generations socialized after the Communism fall³⁰.

In practice, the number of those constantly taking part in voluntary activities is approximately 8% at the level of the Romanian society, the number of those declaring to have taken part at least once in the last years in a voluntary activity³¹. The fact that the percentage of those taking part regularly in voluntary activities is almost similar to those that are members in different civil society organizations is a worrisome aspect that shows the lack of interest towards supplying voluntary activities not directly connected to that person's interest.

Still, at the level of persons supplying voluntary activities on a regular basis, the time dedicated monthly to these activities can be considered substantial. According to a survey developed in 2005 by CSDF³², addressed to the main NGO's in Romania, approximately 50% of the voluntaries spend between 10 and 20 hours per monthly to the voluntary activities, 25% between 25 and 40 hours and other 14% over 80 hours per month. Overall, the research shows that the average number of voluntary hours is the highest within the organizations focused on cultural, educational and environment protection activities.

Individual and corporate donations, charitable behavior, corporate social responsibility

The charity behavior assumed as social responsibility is conditioned by the existence of an authentic civil society. Thus, the donation culture is directly connected to the associative culture. Supporting such a relation depends on the structure, values promoted and role of the civil society for solving out some community issues and for influencing some public policies in order to solve them. Still, developing the civil society does not depend only on the values assumed, its activism for implementing some public policies and on the voluntaries percentage. Obvious, the functioning of the non-profit organizations does not dependent only on the time or effort donations, but also on the money donations. The donations are legal formal documents made through an authentic notary public document. The notary public procedure, but also the notary public charges, makes difficult and sometimes impossible the obtaining of a donation. Unlike these, the sponsorship represents the legal document concluded between two persons that convene on transferring an ownership on some financial resources or on some material goods. Also, the sponsorship does assumes concluding a contract.

As regards the legal framework of the charity actions, the *Law of sponsorship no. 204/2001* allows the donors to deduct the value of the donations from their taxable incomes. Nevertheless, it is mandatory for it not to surpass 5% of this income. A complete image on the charity actions on Romania assumes taking into account the typology of donors and of the beneficiaries, of the donation strategy, as well as the distribution of the donations according to the areas supported. Donor signifies any institution that assumes the task of distributing funds to the non-profit sector. The typology of donors includes the following four types: 1. Public donors - donating agencies that use public funds. (Bilateral public donors – their funds come from a country having concluded a bilateral agreement with Romania; Multilateral public donors – funds coming from several countries). 2. Private donors – funds coming through donations (endowments) made by a private person. 3. Mix donors – funds coming from different sources. 4. Development agencies – organizations that initiate programs and that also offer funds³³.

In 2004, only a minority of Romania's population regularly made donations. According to a CSDF³⁴ survey, 9% made frequent donations, and 30% several times. As regards the type of beneficiary organizations, according to an ARC survey from 2001, the distribution of donations for the following beneficiary organizations was the following: church - 44%, non-governmental organizations - 22%, schools and kindergartens - 4%, medical institutions - 3% and local public administration - 1%. As a result, the church is the most efficient institution as regards mobilizing financial institutions, from here deriving the conclusions that the incidence of a charity behavior is higher when dealing with a religious cause. Although, there are donations to other areas such as environment, democracy and human rights even if the same survey shows a surprising detail – the last two areas, this being democracy and, respectively, human rights, benefit almost 1% - 2% of the funds donated. Overall, according to a research from 2003, approximately 1% of the average income of each family is donated in Romania³⁵.

The donation related strategy is created, firstly, on the motivational mechanism. That is why the reasons for the donation act are divided into three categories: emotional reasons, mutual reasons and normative reason. The same survey mentioned shows that, beyond reasons such as the lack of an income allowing for the donations not to create a major deficit to the family budget or lacking the credit granted to the non-profit sector, a motivation is also that “only the state must supply help to the ones needing it”³⁶.

From a standpoint of the fiscal legislation, the charity behavior can be adjusted for supporting a large category of organizations. As will be discussed subsequently, the sponsorship and the donations made by the corporations can be fiscally deducted in certain limits, this being 3% of the turnover. The eligible areas for receiving donations and sponsorships are the sports, religious, cultural, environment, and scientific research and charity activities ones.

An element has been omitted until now – the transformation of the donation act into a marketing instrument. In other words, the donation strategy has become a *de facto* marketing strategy. Examples of such a great mass media visibility are special events organized

in order to raise funds but also in order to recruit volunteers. These events have different forms, from simple auctions and phone donation types, up to concerts or receiving - the outcome being the same – fund raising. *Corporate social responsibility* (CSR) is a recent concept, imported through transnational corporations, but relevant to discussions concerning the trends of charity behavior. Although it was registered as significant progress for adopting charitable behavior at the level of the business sector, corporate charity actions remains undeveloped. An important example for “good practice” is the *payroll-giving* program initiated by Connex company during 1998. The stake of this program was to persuade a number of employees to accept certain alary deductions dedicated to the donations. 5 years since initiating the program, the number of employee-donors has been tripled, reaching 920. Their actions resulted in donations totaling EUR 65,000. The culture of donation stimulated, for their case, the culture of association because an important number of the Connex employees that had donated money became volunteers for beneficiary organizations. Since 2000, stronger integration in global trends has made more and more Romanian companies create such organizations. Organized differently, acting in different areas, the corporation foundations are a prosperous and mature sign of the Romanian business environment. In practice, in Romania there are fewer than 20 active corporate foundations, most of them being created by multinational companies³⁷.

The fact that this development can have a major potential for the future cannot be denied. For example, in the search for the most important corporate social responsibility projects within the “Oameni pentru Oameni” (People for People) Gala organized by the US Chamber of Commerce in Romania and the Community Relations Association, in 2006 projects amounting to EUR 6.6 million over the amount granted from the state budget have been developed³⁸. As a conclusion, the relation between the donation culture and the association culture has been empirically exemplified through a series of charity behavior examples at individual or aggregated levels. These examples qualified as *good practices* show that the charity is much more than a spirit state, becoming an action facilitating organizational development and, *ab extenso*, developing the entire civil society.

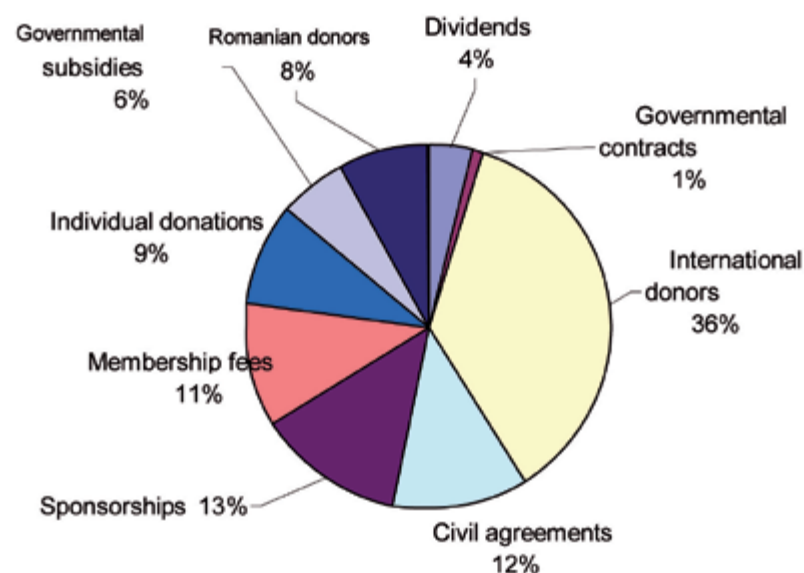
Revenue structure and financial characteristics of the nonprofit sector

Right now, there are no recent assessments of the entire financing structure of Romanian civil society organizations. Still, if at the level of EU member states the direct or indirect financing from public sources represents approximately half of the incomes of the civil society organizations³⁹, in Romania the situation is different, with the public sources representing much less.

According to the assessment in 1997, international donors represented the most important financing source for most NGOs and the funds from the state budget representing a very low amount⁴⁰. Even if the sources granted from the state budget remain at a low level, a constant growth of the absolute value of the subsidies in the last years can be noted. Where in 1999, 35 associations and foundations in Bucharest and 12 counties received below EUR 400 thousand, in 2003 the state budget provided EUR 1,139,752 for the chapter

funds for associations and foundations. According to the conclusions of the report drafted by CSDF, while applying *Law no. 350/2005 in 2006*, the amount increased to EUR 9,5 million, this being almost 0.1 of the state budget. The number of beneficiary NGOs grew to approximately 1,000. Of this amount, 83% came from the budget of the Ministry of Labor, Social Solidarity and Family. According to an assessment for 2007⁴¹, the funds granted by the Romanian state to the NGOs represents just 4% of their budgets, an aspect indicating a leveling out of the situation in the last ten years.

Figure 4. Structure of incomes of the non-governmental sector (1997)



Source: CSDF cited in Stoiciu, Andrei (Coord.). *Making Civil Society Work* (2001), 18.

From the point of view of financial capacity, the great majority of the representatives from the organizations in the civil society in Romania believe that they do not have sufficient resources to fulfill their objectives in the best possible time period. A survey from 2005⁴² shows that 21% of the NGOs' representatives believe that their financial situation is very poor, having constant difficulties as regards ensuring the financial resources necessary to continue their activity on a medium term. Over 41% described their financial situation as being inadequate and 35% as being satisfied with the funds accessed by the organization. Only 2% declared being very satisfied with the existing funds and with the future perspective. That survey shows that the organizations most affected by a

poor financial situation are environmental organizations, with almost 90% reporting the existence of some level of insufficient financing sources. In the middle sample are the organizations having educational, cultural and youth-oriented characters. The organizations having the best financing structure are the trade unions and the chambers of commerce, organizations that in general acquire the greatest part of their funds from own sources. The governmental financing for the non-governmental organizations can be of two types - direct and indirect. *Direct financing* represents a financial transfer from the state budget to a non-governmental organization in a direct manner, being inscribed as a budgetary expense in the given financial year. *Indirect financial support* represents benefits granted to NGOs through provision of some goods in order to fulfill statutory objectives others than financial obligations. As well, financial exemptions, such as income tax that is not collected, is considered indirect support⁴³.

The main forms of direct financing are the following: subsidies, non-reimbursable financing and purchasing services. *Subsidies* represent the direct cover of some costs incurred by supplying some services representing a fix amount for each beneficiary and it is granted pro rated to the number of beneficiaries. In Romania, the main subsidies accountant is the Ministry of Labor, Family and Chance Equality. Subsidies are a form of direct and unconditional financial support from the state budget granted directly to the non-governmental organizations. Several ministries and governmental agencies grant this type of financing. *Non-reimbursable financing* represent financial transfers designated to supporting an activity of public concern without envisaging the generation of a profit. In general, the beneficiary organization is responsible for ensuring co-financing from sources external to the grant. *Purchasing the services* defines supplying services to the authorities. Contracting the organizations will be made according to an auction procedure in which all accredited private suppliers for social services can take part⁴⁴.

Through the regulations introduced by Governmental Ordinance no. 26/2000 the possibility for some associations and foundations to receive *public utility status* was opened. In the first phase, most of those that received this status have been professional bodies (Union of Cineastes in Romania, UNITER), humanitarian organizations and a series of civic organizations (Group for Social Dialogue, Center for Legal Resources, League for Defining Human Rights, Romanian Association for Transparency, Organization for Defending Human Rights). In practice, bearing the expenses of some non-governmental organizations that are connected to the political environment became a practice pointed out in the mass media, a famous example being the granting of this status to an organization whose president was a minister at that time. This appeal aspect from the mass media made for the civil society organizations to constantly request review of the procedures used for granting this status. Overall, it is used to regulate the eligibility of organizations as regards acquiring public utility status in the meaning of clearly clarifying the areas in which they can act, excluding the lobby and advocacy organizations and conditioning the services supplying to the broad public without limiting it exclusively to the organization members⁴⁵.

Indirect financial support is regulated in the Fiscal Code. NGOs can supply a series of *activities bringing incomes that are exempted from paying different taxes*. One of these “get away doors” from the financial dilemma is developing some service supplying activities, especially connected to offering some training and consultancy programs to the local authorities or to the commercial areas. This is used by a significant number of organizations. Among these activities, the most important are participation fees for different events, organizing fairs, conferences or congresses having a social or professional purpose. As well, the NGOs do not pay VAT for certain types of economic activities if they are within certain limits. The fact that the NGOs can request reimbursement of the VAT paid on purchasing goods bought using funds from different national or international financing is an important aid in developing financial sustainability of the sector. Moreover, the organizations having a public utility status can benefit from an exemption from paying taxes on the incomes resulting from advertising and publicity, the import charges for different products brought from the origin countries of the donor and obtaining non-reimbursable financing⁴⁶.

Inspired by the success of other organizations in the post-Communist countries, especially from the Hungarian and Czech models, civil society organizations in Romania sought to introduce the possibility to regulate the re-direction of a part of the tax applied to natural persons for several years. Introduced in a first form as *1% Law*, in 2003, one year later, it became *Law 2%*⁴⁷. The discussions in the Chamber of Deputies have been relatively tense; overall, the political environment remained reluctant towards this civil society autonomy measure in Romania. Initially, this provision was introduced as an amendment to the Fiscal Code as *Law no. 571/2003, Title III*. As well, if initially it was allowed for the percentage to also be valid for commercial companies, the possibility to use up to 0.3% of the turnover or 20% of the profit taxes made for supporting the initiatives of the NGO sector was chosen. According to the report, in the first national result on the 2% campaign in 2006, during the 2005 and 2006 financial years only 8.6% of the tax payers used the possibility of redirecting 2% of their income tax to a non-profit entity, the total amount transferred being EUR 5.3 million⁴⁸.

This regulation is perceived as the most important legislative innovation to increase the financial sustainability of civil society organizations in Romania. Unlike the financing obtained directly from sources in the state budget or the local budget, financing through the 2% mechanism does not involve political dependence due to the great number of individual donors and the secret character of the donation act. As well, because ensuring some consistent funds through this fiscal mechanism can only be made if the broad public knows the activity of an organization, this regulation can change the behavior of a significant number of organizations, changing the means of increasing sensitivity towards the public's interests. The existence of a competition between different organizations to persuade as high a number of people possible to fill in the card for making the transfer will lead, without a doubt, to increasing the visibility of the civil society organizations.

The non-existence of some unitary, clear, coherent and transparent regulations diminishes observation of the principle of correct competition and of chance equality as regards accessing the state financial resources. Another technical obstacle is derived from the fact

that the great majority of existing financing mechanisms operate according to settlement principles. Implicitly, organizations without a solid financial base cannot participate in project auctions, thus making it impossible for them to supply the amounts to covering the costs necessary to begin the projects. As well, because the greatest part of financial resources are not obtained through some grants whose objective is set out by the contractual authorities, it makes for the activity of many NGO's to be implicitly directed by the central and local authorities.

For example, from the point of view of the financing structure of the international donors, during 2003-2007 the United States Agency for International Development (US-AID)⁴⁹ granted over USD 157 million disseminated according to three objectives, with all three objectives involving the civil society organizations to implement them. The first objective refers to speeding up the development of the private sector, with USD 80 million being granted to it. Among the results envisaged is also the participation of NGOs and organizations to support the business environment in the legislative reform process, by acting as agents for relations with the business environment. The second objective – aimed at improving democratic government at a local level - has been granted USD 43 million. Within these objectives was envisaged an improvement of the services offered by the local administration structures, clarification of internal procedures and improvement of the analytical capacity of the policies that they would want to implement. The third objective referred to increasing the efficiency of medical and social care efficiency for the distress population, with it being granted USD 33 million.

The dependence of a significant part of Romanian NGOs on international donors is a true medium term problem, being reported in numerous cases when the organizations limited their activities due to a loss in financing from international donors. The capacity of NGOs to ensure constant income sources from donations and sponsorships is limited and the predictions in this direction are most likely pessimistic. In 2001 international financing was estimated to be over 90% of the total grants granted to NGOs, but subsequently it has diminished. The drop continued with European Union accession⁵⁰.

Relationships between the government and the civil sector, the government's civil strategy

The relation between the civil society and government, especially the limits of legitimacy on the civil society's attempts to influence the government, is much disputed at a theoretical but also practical level. Although through the election of some representatives the people exercise their power, in practice there are technical aspects connected to the limited capacity of simple citizens to track the manner in which state representatives, elected or unelected, behave according to the legal norms. On the other hand, the civil society plays an important role through the supply of feedback to the government as regards the evolution of different social needs.

As was mentioned in the first part of this paper, if an antagonistic relation marked the first part of the post-Communist period, the last twelve years signified a continuous

normalization of this relation. In practice, there still does not exist a national strategy for developing Romanian civil society. Thus, most evolutions are ad-hoc, according to the moment's pressures, the government's interest in legitimating certain initiatives through collaboration with different civil society organizations that support them or the ability of some organizations or organization coalition to create the necessary pressure to promote certain initiatives. The government developed a set of structures that would allow for better communication with the civil society organizations at a central and national level. At the level of each ministry, there is a high civil servant in charge of communicating with and consulting the NGOs in the area of the government's activities. Although, the majority of reports on this subject show the fact that the participants in these consultations believe that their operations are not taken into account or most times that the meetings are developed just as a PR matter for the government. One of the sources of inefficiency concerning this collaboration is supplied by the *lack of transparency in governmental activity*, with consultations taking part without prior information given to the NGO representatives as regards the entire agenda discussed⁵¹.

The pressure to institutionalize consultation with the trade union movement led to creating the Economic and Social Council through *Law no. 109/1997*. It was conceived as a public institution of national concern, tripartite and autonomous, in order to achieve a social dialogue at the national level between the employers' union, trade unions and government and the climate of social stability and peace. According to Romania's Constitution, the Economic and Social Council is a consultative body of the Parliament and Government⁵². After more than 10 years of functioning, the efficiency of this institution is still limited, with many of the negotiations between government and trade unions developing outside this body.

In the period after 2000, the public authorities took a series of measures to *institutionalize the relation between the civil society organizations and the government*, measures that had a positive outcome and showed an increased interest in the non-profit domain⁵³. For example, in 2001 the Social and Institutional Analysis Department (DAIS) became operational. This department has the purpose of facilitating communication between the NGOs and the political decision makers. Although DAIS was created in order to be permanently connected to the issues connecting the NGO sector and to supply information to them in a transparent manner, over eight years after creating it the number of collaborative successes is relatively limited.

The civil society organizations have a series of important attributes to introduce, refine and implement certain public policies. Due to the provisions of *Law no. 52/2003*, in many cases different NGOs or NGO coalitions managed to bring important modification to some laws or to eliminate the provisions that created difficulties. The most effective mechanism in this relationship is usually represented by the public reaction and the capacity to draw the mass media's attention to an issue; this media awareness leads on many occasions to a reaction from different governmental bodies. The impact of non-governmental organizations on implementing public policy was felt mainly in the period of Romania's pre-ac-

cession to the European Union. The capacity of the NGO sector to be involved in *lobby* and *advocacy* actions was materialized in a series of successes in the social services area, and in a visible manner in introducing some amendments in the legislation concerning children's rights. One of these recent successes as regards drafting some vaster strategies was the collaboration between 15 non-governmental organizations, the Presidency, the parliamentary parties, as well as the Romanian Academy to create the Pact for Education. Even if a commission appointed by the President drafted the report, during the consultations the feedback obtained was used to improve the document.

Because of the legislative modification in the past years, the government and the governmental agencies initiated more and more formal consultation processes. If public participation in the process of drafting public policies is a practice institutionalized in the EU, this novelty only became a rule in Romania once (*Law no. 52/2003*, *Decision of the Government no. 775/2005*) were passed. Even if the manner of applying the law and the efficiency of the process is limited, it represents an important step to involve the public in making decisions concerning it⁵⁴. This consultation manner, even if it provided the NGOs the possibility of showing their points of view, is less adequate for discussions at the expert level due to their format (in general, it is spoken from a tribunal), but also due to the presence of mass media and persons appointed on political criteria at the level of the ministries.

While at the national level the autonomy of civil society organizations is not a problem, over time there have been numerous cases reported of pressures at the local level on the activity of some NGOs. One of the most worrisome items is supplied by the threats of different local politicians to the organizations daring to criticize them. Another intimidation type is used on organizations in charge with monitoring the correct development of local, parliamentary and presidential elections. In most cases, state institutions have been very indifferent to the complaints connected to such abuses. The existence of a client-biased relation between the local NGOs and different interest groups is a practice documented on numerous occasions over the years in the local and national press. Unfortunately, many times such organizations have been used for different activities on the edge of legality. The government's interference as regards the trade unions' activity was another practice that marked the relation between government and civil society. According to the Human Rights Report for Romania, in 2005 the government's interference in trade union activity, especially the collective agreements for avoiding some strikes, remained extremely strong⁵⁵.

A facility that resulted in numerous controversies was connected to non-governmental organizations obtaining the 'public utility' status. Such a formality allowing access to the state budget is a special status granted to those non-governmental organizations through whose activity it is envisaged some purposes beneficial to the general community's public interests will be reached. Although formally any association, foundation or federation can be acknowledged as being of public utility if it fulfils certain eligibility conditions concerning the activities it delivers, the decision belongs to the Romanian government.

Along the years, a series of legislative modification made for a lack of clear criteria, the decision to grant this status was seen as arbitrary, and several existing cases were pointed out by the mass media where unimportant associations - but ones connected to some politically influential persons - received this status. From this point of view, the modifications promoted in 2007 concerning the Government's Ordinance no. 26/2000 by the Ministry of Justice were made without considering the associative life in Romania and without consulting associations or foundations.

Joint bids for tenders represent an area that will become more and more important due to European financing programs. This type of collaboration refers especially to NGOs and local public authorities accessing, in partnership, some funds designated for special services - training staff in local administration or performing some feasibility studies for different projects. This type of collaboration can prove useful for improving the collaboration abilities of the NGOs with the local authorities.

We can conclude that the institutional cooperation between the civil society organizations and the government is still limited in Romania. The inexistence of a government strategy in this area has led to some effects, and without a remediation of this item, it will be difficult to accomplish any sustainable progress.

European dimension, European citizenship

EU accession on January 1, 2007 represented the most important foreign and domestic policy objective in post-Communist policy. Achieving this aspiration required the most vast and profound efforts for Romania's economic, social and political modernization. Legitimizing some necessary sacrifices and efforts for obtaining integration will also be noticed in connection to the frequency in which different politicians used the substantiation of adapting to the EU rules for all sort of unpopular measures less directly connected to the EU.

Expectations and attitudes

Reintegration into the European family after more than half a century required a preparation phase for accession and it was marked by a series of uncertainties. Since receiving the invitation to begin negotiations in 1999 at the Helsinki Summit when the internal expectations were low, upon entering the EU on January 1, 2007, the constant pressure of EU institutions on Romania was always reflected in the press. This traditionally might have been construed as a renunciation of national sovereignty in making a series of important decisions, but it was translated in a pressure towards reforms from the EU. As can be seen from Table 5, the EU remains *the political institution* that directly affects Romanians' life with the highest level of trust. It must be emphasized that the mass media, together with the civil society organizations, significantly contributed to maintaining this level of trust through almost unanimous positive reflection of EU actions. The language

of the need to change because of EU integration became all present in the past years, with critical voices being almost absent. Even if at the time there first occurred tensions between Romania's interests and the conditions related to integration, such as the *Scandal of vehicle registration charge*, reflections in the mass media were mainly negative towards the government's intentions.

Table 2. Level of trust in EU and the national institutions in Romania

<i>Date for making the survey</i>	<i>Trust in the EU</i>	<i>Trust in the Parliament</i>	<i>Trust in the Government</i>	<i>Trust in the TV</i>	<i>Trust in the press</i>
February 2006	67%	24%	27%	74%	60%
January 2007	65%	19%	19%	88%	68%

Source: Euro-barometer 67 (2007)

The score of trusting the EU remains stable in the past few years even in the presence of modifications of the European context, so that Romania ceased to be a case of extraordinary trust in EU after 2007⁵⁶. Nevertheless, EU integration has led to a short-term decrease of 6% of those that have a very good image of EU as well as a decrease of 5% in the level of trust in the European Commission⁵⁷. The fact that Romania is part of the group of countries where the degree of trust is close to the degree of satisfaction towards EU belonging (69%) indicates an instrumental perception of EU belonging.

Public opinion in Romania is among the most optimistic as regards EU, with over 70% of people optimistic in connection to future evolutions. Still, this optimism relies on a trust which has not been substantiated by an adequate level of EU knowledge. According to the Euro-barometer in 2007, only approximately one quarter of Romanians believe they are well informed on the "European political manners", 6% below the average in the European Union overall. As well, just 15% of the ones interviewed believe that the people in Romania are well informed, which shows a perception of the relative lack of interest about this subject. Nevertheless, according to a recent study on European citizenship, Romanians manifest one of the highest associations (94%) with the term *citizen of the European Union*⁵⁸.

Overall, 89.70% of the citizens voted in the *national referendum during October 18-19, 2003* for approving the constitutional modifications agreeing to Romania's accession to the EU. It must be noted that due to weak attendance, the authorities had to extend the voting period by one day, even after the first voting day. The lack of interest concerning this referendum was determined also by the image generated in the mass media that showed that since there was an accession acceptance rate of 80%, the referendum would only be a formality.

If European integration brought an additional dimension to the discussion of the evolution of democracy in member states, in Romania the European Union is perceived as one of the main factors that contributed to democratizing state institutions. Still, given that the quality of operating democratic institutions in the new member states is still under discussion, there arises the question to what degree transferring some attributes to the EU institutions – a point on which the Romanian citizens had no influence until integration – can contribute to developing a high quality democracy⁵⁹. On the other hand, by promoting some programs for supporting consultations between the civil society and the European institutions, the European Commission became a very important factor in promoting an active dialogue with the civil society. This connection will help consolidate the role of civil society organizations as partners of the government.

The role of civil organizations in the preparation and adaptation process

Romanian civil society had and still has a crucial role in the process of changing mentalities. Always being at the forefront of approaching the issues and options Romanian has, the debates launched by the civil society in the public area have led to reconfiguring of the public agenda many times. Concerning this, becoming aware of European values is a process that has been initiated within different discussion subjects approached by civil society organizations. The civil society, especially through the NGOs most present in the public area, played a fundamental role in transposing the conditionality of EU integration into legal forms, especially in the transparent and anti-corruption domains. For example, in 2003 a coalition of more than 150 NGOs managed to wage a strong campaign against the provisions of the *Law of Financing Political parties and electoral campaigns*. Unfortunately, despite the mass media and political impact of the campaign, the provisions have been maintained in the final form of the law, but they were removed later in the form reviewed from 2006, which was when EU integration from January 1, 2007 was still questioned.

Due to the extremely low level of trust of the population in the political class and state institutions, the civil society, especially through its opinion leaders, has played a significant role in persuading the population of the benefits of EU integration. Even when a series of unpopular approaches, such as constantly increasing the price of gas and gasoline, have been substantiated through EU accession, the civil society leaders have had a crucial role in explaining the medium term benefits created by adapting to EU standards.

The capacity to fulfill the watchdog function was without a doubt improved by the legislative regulations adopted because of the conditions imposed by European Union accession, leading to an increase of this function at the level of the non-governmental sector. According to the *Law of free access to the public concern information (no. 544/2001)*, the NGO sector acquired an important capacity for monitoring the manner of implementation of the new regulations, due to the right of submitting petitions and complaints in connection to non-observation of the law. As well, according to *Law no. 52/2003 concerning the transparency of the decision making process*, the NGOs have ways for supporting the counseling process on legislation issues.

Due to the constant problems Romania incurred in the process of implementing the reforms required for EU integration and the repeated recommendations of the European Commission, the Ministry of European Integration initiated a series of dialogues with NGOs specialized in different aspects of the negotiation chapters. As well, this consultation took place in the area of sketching out strategic plans for the NGOs. The legal reform represented one of the most sensitive items in the entire period of negotiating EU access, but subsequent to the accession, the justice area is still under the supervision of the European Commission. NGOs having expertise in the legal area have had the role of carefully monitoring the works developed within different parliamentary commissions, as well as the legislative proposals submitted by the government in order to raise awareness immediately of deviations from the committee's recommendations. As well, monitoring of some institutions whose activity is relatively opaque in Romania (judges, district attorneys, police, and prisons) supplied specialized information to the European institutions, limiting the inherent tendencies to mask certain shortcomings or implement some reforms only on paper. This mechanism, coupled with good communication between the NGOs and the European Commission representatives in Bucharest ensured a good monitoring capacity for the reforms. For example, the reform of the prisons system has been carefully monitored by a series of organizations (APADOR-CH, LADO), monitoring the evolution of the formal regulations, as well as through direct communication with the staff in these institutions and with convicts.

Civil participation in the projects funded from EU sources

Once the EU accession process had begun, financing through structural funds could be seen as one of the main sources for financing some large projects, which had a major impact. Even if accessing European funds represented an important item on the agenda of discussion of EU effects, the Romanian authorities undertook no effort in bringing the NGOs in on the process of accessing and managing the strategy for these funds, thus compensating the lack of competence in this area of the Romanian administration. Despite the presence of the de facto state, a number of seven important NGOs comprised a coalition for monitoring the process of managing European funds⁶⁰.

Due to the significant role held by the civil society in democratic construction, the EU has financed through the PHARE program (Poland and Hungary: Assistance for Restructuring their Economies)⁶¹ several programs meant to help the development of civil society organizations and to promote their capacity to enter sustainable partnerships⁶². Within the pre-accession programs, the civil society organizations active in the democracy, human rights, social services (PHARE Access), and European integration (PHARE Europa) domains benefited during 1994-2005 annual programs amounting between 1 and 10 million Euros. The existence of strong competition between these financing sources, competition which made differentiation extremely difficult, proved the superior absorption capacity of the NGOs as compared to the state institutions.

The growth component of the role of civil society in Romania's integration process represented an important source for financing some large programs. During 1996-1999

efforts were made to consolidate the NGO sector through institutional development, improve the activity framework and develop some resource centers for the NGOs, but in subsequent programs the focus was more on the action capacity of the external environment. Through the Civil Society Program in 2000-2005, the focus was on developing the civil society's capacity for cooperating with the local administrations, promoting the legal framework specific to the NGO sector and increasing the NGO sector's credibility. For developing the last phase of the PHARE program, in 2008⁶³ it has been granted EUR 1,700,000 (the financing for 2006), and the program is focused on the proposals envisaging the development of the NGO sector's capacity in institutionalizing the consultation mechanisms between state institutions and social partners. The following elements are mentioned: improving the sustainability of the sector by encouraging the NGO to create networks / platforms, creating new Resource Centers for the NGO or consolidating the Centers already existing, ensuring the visibility of the NGO initiatives for the broad public, and involving the NGO in the civic education activities.

Romania's National Development Plan for the financial period 2007-2013 was created in order to guide the strategic planning and the multi-annual financial programming for accessing and implementing the projects in the structural funds according to the European Union's Cohesion Policy. Although the document drafted by the Government is presented as a creation of a large partnership, the communication between Government and civil society has been, as usually, relatively difficult, with the greatest part of the NGOs' requirements not being taken into account⁶⁴.

If the EU provisions concerning the management of the 2007 – 2013 Structural and Cohesion Funds emphasize the need to cooperate with the social partners and the civil society for programming and identifying the problems and the optimum manners for approaching them, lacking a real form of consultation will lead to these provisions remaining just a wish. In practice, the non-governmental organizations have been involved only formally in the planning process; in the final form of the plan there was no explicit mention of a role for the civil society organizations. More, the presence of just a few rare references to the civil society within the document and no mention of any role for the civil society in the implementation program of the plan are sufficient reasons for emphasizing the governmental inability to develop a partnership. Moreover, ignoring the recommendations of the European Commission, the plan does not propose any action for consolidating the non-governmental sector or the partnership between government and the civil society. The only area where a direct relation is mentioned is in the supply of services. Still, here it is emphasized that in the hypothetical context of an openness to civil society, it stems only from granting financial support to the non-governmental organizations in order to improve the quality of social care services they grant⁶⁵. In practice, the civil society organizations are mentioned as service suppliers and not as partners for reaching a common purpose.

One of the most problematic effects of the lack of interest in including the civil society in financial support measures is the *risk for a significant number of active organizations to be found incapable of continuing a great deal of their activities*. The fact that 2007

– 2013 National Development Plan and the Operational Programs do not provide direct financing in the areas of democracy, lawful state, citizens' participation in good government at local and national level and justice and social inclusion means that their access to the structural funds may be in serious peril. Another effect of the lack of involvement of the civil society in planning, implementing and monitoring development projects is a drastic limitation of the transparent use of EU funds, an aspect that in a country with high corruption levels creates an ideal environment for fraud.

The increasingly fierce competition in accessing the structural funds is also due to a withdrawal of the greatest part of international donors. As well, the technical difficulty of preparing the applications, obtaining the documents and reaching some standards, such as performing the audit for the previous fiscal year, eliminates a large number of organizations from the possibility of accessing these funds. In this meaning, even given the increase in the funds granted to civil society organizations, the number of those managing to access these funds will remain constant or will drop.

Union level civil relations

The language for supporting the incorporation and the development of networks between Romanian NGOs and the ones in the EU and supporting lobby activity at the level of the European Union is more and more present in the past years, especially near to EU integration. As well, through the PHARE program this objective has been permanently mentioned as a priority and there has been financing supplied in this direction. On average, there has been over 20 projects financed per year that were focused on creating some networks through the participation of NGOs at the EU level, in multinational ventures from the environment sector, in the social and economic development and in the social sector. According to CSDF research, in 2005 just 23% of the NGOs questioned were part of formal coalitions while 26% were part of informal coalitions, the greatest part of them being strong organizations from Bucharest or other large cities⁶⁶.

At this time, the participation of Romanian NGOs in EU level networks is relatively low, and the information on participation is mostly dissimilar. Still, just one year after integration a larger and larger number of organizations or NGO federations mention a recent affiliation to the relevant networks in the EU. It remains to be seen if the formal affiliations will also bring an efficient integration in cooperation activities at the EU level.

One of the important EU initiatives, as an effort for informing the citizens before accession, was the creation of the ANBCC network (National Association of Conciliation Offices for Citizens), an organization financed from a different line from PHARE and affiliated to ECAS (European Citizen Action Service) and CAI (Citizen Advice International). As well, a series of organizations such as Centras and CRJ also affiliated to ECAS. Not lastly, Romania's representation in the European Economic and Social Committee through the civil society's, trade unions, and employer unions' representatives must be mentioned.

An example of the lack of incisiveness of Romanian initiatives is the creation of a European NGO, the European Center of Consumers in Bucharest /ECC Romania by the

European institutions. ECC was created in order to cooperate with the networks created at the EU level and specialized in supplying essential information on the European Union, national legislation and judicial practice (such as European Judicial Network). The only area where the international affiliation worked for a long period was the trade union one, the large federations in Romania being affiliated for more than one decade to the organizations in the *European Trade Union Confederation and the Union of Industrial and Employers Confederation of Europe*⁶⁷.

Challenges and perspectives

Following the analysis presented up to this point in the paper, but also according to the interviews made within the project, the evolution perspectives of the civil society in Romania have been created based on a SWOT type analysis. If the SWOT analysis represents an efficient instrument for de-constructing the situation of a sector, in this case it must be taken into account that certain traits are extremely nuanced - in some cases representing strengths, and in other weaknesses.

Box 2: SWOT analysis	
Strengths	Weaknesses
Formal development of the sector	Ambiguous legislation
Fiscal legislation concerning sponsorship and 2% Law	Dependence to the international donors
Supporting some important legislative projects	Low level of civic participation
Watchdog ability	Low institutionalized collaboration
Capacity of caking up NGO's coalitions	Lack of interest from the government
Increasing the professionalism	Diminishing the salary related competitive character as against the economic and politic area
The existence of high qualification experts	Fund raising
Diversity of the civil organizations	Lack of legal regulations concerning the advocacy and lobby activity
Ability to act locally	Trust level in the civil society
Organizational maturity	Concentration in the urban regions
Research on the evolution of the NGO sector	Ambiguous legislation
	Dependence of international donors
	Low level of civic participation

Opportunities	Threats
Increasing the capacity of supporting the sector's interests	Competition and lack of transparency
Improving the sector's image	Increasing the political dependence
Accessing European funds	Incapacity of the Romanian state of absorbing the European funds
Increasing the projects related collaboration capacity	Lack of cooperation for developing the National Development Plan
Increasing the collaboration capacity with local authorities	Losing the qualified staff especially in the projects writing area
Influence of policies at EU level	Lack of some stable financing sources
Using the Public Consultations and the transparency laws	Lack of collaboration and initiative at European level
Developing the Corporate Social Responsibility	Lack of clarity as regards the conflict of interest
Increasing the number of professionals in the fund raising area	
Contracting social services	

Strengths⁶⁸

One of the main strengths of the Romanian civil society is supplied by the sector's formal development. The constant evolution of the number of organizations in all areas, even if a significant number are not active or are active only on rare occasions, points out the existence of some important resources that can be mobilized in this sector. *The fiscal legislation concerning sponsorship and 2% Law*, with all its shortcomings, can be considered one of the items providing advantages for the development of the civil society organizations in Romania. The regulations concerning sponsorship and the 2% Law can especially create the bases for the sustainable financing of a high number of organizations. Still, because the access to these sources is indirectly conditioned by the notoriety already in place, the admission of some new organizations will be more and more difficult.

The capacity to influence the legislative process, even if it is more limited than in other countries, can be considered an asset of the NGOs in Romania. The fact that electoral reform in 2008 relies on a project supported by Asociația Pro Democrația (Pro Democracy Association) for more than ten years, is an indication that if constant efforts and the ability to attract the interest of the mass media and the public exist, the civil society can obtain important successes in promoting its own agenda.

The capacity of mass media confrontation with the political power is a distinctive trait of Romanian civil society. Lacking some institutionalized mechanisms for exercising

pressure on the authorities, this capacity is vital for promoting some objectives. There are numerous cases when the rapid reaction towards certain almost hidden intentions for legislative modification hindered subsequent action in this direction. The presence of different civil society representatives in radio and TV shows, as well as the activity of many of them as newspaper columnists, supplies a good positioning for sending messages in a rapid manner, through different communication media to a public as wide as possible.

In the past years, *the capacity for ad-hoc mobilization* in order to promote a common item has become greater and greater. As well, cooperation within some coalitions managed to bring together different organizations for a common goal. The Coalition for a Clean Parliament (CPC) is without a doubt one of the most successful initiatives of Romanian civil society in the past years. The representatives of over 20 NGOs in the area of human rights came together in order to verify, from the standpoint of past activity, the candidates lists of the political parties and election alliances in the local and general elections that took place in 2004. Outside the high level of mass media communication of the initiative, the fact that 98 of the candidates named by CPC were taken out of the lists by their parties, lost the elections, or had lawsuits leveled against them by different candidates and dignitaries, represented a significant moment in the evolution of NGOs in this domain.

The Increasing professionalism of persons acting in this area is obvious in the past years. Despite competition with other domains in order to attract human resources - a competition taking place in the context of a serious work force crisis in Romania - Romanian NGOs can be considered the most efficient medium for rapidly training some persons and bringing them up to a high degree of professionalism. During the past years, the training programs, most times financed through PHARE funds, led to significantly increasing the number of people having expertise in more sub-areas of the NGOs usual activity, such as: writing funds, drafting reports, taking part in audit activity, fund raising, approaching the business areas and public relations. The success obtained by a series of professionals trained in this area and who subsequently acted in governmental structures or in the business area, is a clear indication of this professionalism. As well, even if not explicitly, there are certain good practice codes for the activity of persons in this domain. *The existence of some highly qualified experts*, having a good reputation and connections in the international environment, allows the existence of some highly-specialized activities. This aspect can represent an important resource when the expertise of different organizations is reunited for a series of common goals. This specialization can limit the strong competition for a limited amount of financing in the same sub-area if there are financing lines that would cover a broad range of specializations.

The diversity of civil organizations is without a doubt an advantage due to the fact it offers a great margin of adaptability for supporting the civil society's agenda. As well, this diversity can help increasing the capacity to take over and process social needs and to represent them in a form drafted as public policy proposals - of course in the presence of a minimum degree of collaboration between these organizations.

In local action, the organizations in the social area are the most active and the most efficient. Organizations in the area of child's rights protection, since they are organized in initiative groups with a unitary voice, have had the capacity to participate in drafting and modifying legislation in this area. This influence also benefited from international pressure in this area, with Romania often being criticized for the low quality of legislation and practice in this area. Protecting the rights of disabled persons represented another area where the public policies in the past years have been included due to the action of NGOs in that area, cases which some times blew into mass media scandals.

The maturity of the Romanian civil society is a strength that was shown in several pieces of research on this subject. Even if an exact definition of this concept cannot be supplied, it can be believed that through gradual evolution there took place a selection process. Thus, now the NGOs that managed to survive for a few years are professional from the point of view of action capacity, fundraising, projects management, etc. As well, a series of cooperative connections between the traditional NGOs was created, links that increased the level of trust between these organizations.

The existence of some research on the evolution of the NGO sector is a huge reservoir of expertise for understanding the structural issues that must be faced in the years to come. Identifying the constant traits and the problems still there despite best efforts and *best-practice* models can eliminate repeating some strategies with minimum chances of success. Organizations such as CSDF, USAID, OSI and APD invested important resources in drafting these materials, in general editing those involving consulting experts from several organizations. Governmental organizations and European institutions used for sketching some sustainable strategies for developing Romanian civil society organizations can also use this basis.

Weaknesses

Ambiguous legislation was and remained one of the main sources of problems for the functioning of Romanian civil society organizations. The numerous legislative changes in the connected areas, as well as a series of ambiguous provisions concerning granting financing, grants and subsidies, especially taking into account a country having a high corruption level, leaves room for arbitrary interpretations of the law. In the activity of relating with the state there are numerous cases in which precious time resources are used for obtaining some clarification as regards construing the law for different state bodies. Due to the lack of institutionalization of legislative clarification mechanisms, civil servants mostly avoid supplying clear answers, passing on responsibility when applicable. As said previously, obtaining *public utility status* through a political decision is a strong source of suspicion towards the criteria used for granting this status. The fact that many of the important organizations in Romania that would have met the legislative provisions preferred not to use this status, combined with the efforts of some associations led by persons close to the political environment for obtaining this status, is another indicator of the usual problems caused by the legal framework.

The strong dependence of international assistance in the context of EU integration, combined with a limited capacity to mobilize local resources, is a threat for the activities of many organizations specialized almost exclusively in attracting such funds. The imminent withdrawal of most international donors will limit the sustainability of many organizations and will limit access for the beneficiaries of services to which these organizations supply.

Another structural weakness of Romanian civil society is given by the *low level of civic participation* and in the associative life in Romania. The concentration of NGOs in Bucharest and Transylvania, areas that traditionally benefited from a higher civic participation, emphasizes the acute dependence between civic participation and the development of the formal organization of civil society. With some small exceptions, the campaigns for involving the communities in different actions remained without effect. The lack of civic participation is completed by a *lack of institutionalized cooperation between the NGOs in Romania*. Except for the trade unions, the inexistence of some vast umbrella types of movements makes for collaboration on an institutionalized bases difficult to obtain. The lack of communication and collaboration is a crucial barrier for limiting the coherence of the activities performed by different NGOs, and in many cases similar projects are being developed by different organizations without any mutual feedback. Overall, the NGOs' capacity to express themselves through a common voice concerning certain problems and systematically following the activities of the state authorities are the only viable manners of increasing their influence on formulating and implementing public policies.

Still, there are examples of local and regional level partnerships and networks, especially in Transylvania, cooperation that led to successfully approaching some local problems. The lack of strong umbrella organizations in many activity domains of the civil society, except for the trade union ones and the professional organizations is a serious limitation of the power of Romanian NGOs. This lack of development will probably be maintained as long as cultural factors such as the low trust level persist, but also as long as the competition for resources remains at the same level and most NGOs in a domain compete for a limited number of financing sources. In the past years a series of federations have been developed such as ProChild Federation. Still, the number of members in such organizations remains relatively low.

The lack of interest of the government in collaboration on an institutionalized basis with civil society organizations is one of the most significant weaknesses and barriers in its capacity to influence public policies in Romania. If during 2001-2004 the NGOs were mentioned in the National Youth Action plan, the government plan for 2005-2008 moves the civil society into the *Culture* chapter, under an *Institutionalizing a system of regular consultations and cooperation with the civil society* subchapter, meaning the civil society is associated with different cultural and artistic activities. Given the confrontation often seen in certain programs, even in the context of a certain positive attitude at a declarative level, the relation between the government and the civil society is marked by a profound distrust on both sides. Lacking some institutionalized mechanisms that would substitute

for the lack of trust, the present day situation leads most collaborations to rapidly degenerate into public confrontations held through press releases, press articles and talk shows. The attempts by the political representatives to discredit the civil society representatives are no novelty. The incapacity of a civil dialogue makes the one-to-one attacks a common practice in Romania, even at the level of the highest government positions.

Diminishing the competitive salary character as against the economic and politic area is a stronger and stronger phenomenon. The competition for human resources within the political and commercial area is determined by a relative stagnation of the salaries in the civil society domain (PHARE programs provisioned just small increasing in the past years for different expertise levels) combined with a strong salary increase in most other domains. In the circumstances we are witnessing right now with a withdrawal of the international donors and a transition to accessing other types of financing, it is very likely that the number of experts that will migrate to other areas will increase. Not lastly, in the past years the development of consultancy companies in writing and implementing different projects for European funds has created new opportunities for people having abilities already developed in the NGO's area. Practically, triple the salary can be reached by passing from an NGO to a consultancy company.

Fund-raising capacity remains one of the weaknesses for most NGOs in Romania. Practically, except for organizations in the social area, which are the organizations that benefit most times from an active support from mass media, the success in this activity is extremely limited. The non-existence of local donors with high financial power is another limiting trait. The lack of developing charitable behavior, or even the lack of interest as regards using the 2% instrument, are serious cultural barriers for improving this situation. It must be emphasized that different attempts were made by international donors as regards transferring techniques and strategies used in other countries, and the NGOs staff in Romania were generally heading towards failure. In generally, obtaining some small donations, most times conditioned by obtaining some image benefits (organizing public event where the sponsor's name is visible) cannot create a sustainable financial basis.

Also, *the lack of some legal regulations for the advocacy and lobby activity* leads to confusion, with many of the organizations specialized in such activities being legally organized as associations or foundations. This de facto state is a discrediting factor for the entire civil society because it mixes the activities for supporting some economic interests with different ones.

The level of trust in the civil society remained at a relatively low level in the past years. According to the Public Opinion Barometer in 2006⁶⁹, non-governmental organizations enjoyed a 27% (37.5% of those displaying an opinion) level of lot trust and extremely high trust of the total respondents. This level is above the one of the political parties, the Parliament, the government and the justice, but much below television, radio, press and city halls that benefit from levels over 50%. A worrisome aspect is that the NGOs had the highest level of non-response to the question concerning trust with 28%, an indication of a

lack of visibility of the NGOs within Romanian society. As mentioned prior, the incentive system created through the 2% Law can lead to increasing the visibility of a high number of organizations, and implicitly, of the sector.

The concentration of NGOs in urban regions is a factor that has improved in the past years, but it remains highly unbalanced. Due to the fact that civil society organization have a significant role in democratizing political life at a local level, especially in the poor rural areas, finding some ways to develop some NGOs in the rural areas should represent a priority for the donors. Even if in the past years a series of project financed from European funds envisaging the development of civic participation in rural areas existed (for example, the *Democrația la țară (Democracy in the countryside)* developed by APD), developing some sustainable long term projects depends on the existence of some local structures.

Opportunities⁷⁰

Increasing the capacity to support the sector's interests is a factor that can lead to a series of advantages, especially improving and clarifying the legislation, but also an increase of the financing available, especially through structural funds. Beyond ad-hoc organized coalitions that in many cases are only about signing common press releases, an institutionalization of the collaboration through different umbrella NGOs and permanent consultation platforms is needed. These collaboration forms must be able to permanently gather the information on the needs of different sub-areas, the manner in which different possibly diverging interest can be adapted, how legislative modification can be efficiently transposed and which are the best communication, persuasion and pressure channels on decision making factors.

Improving the sector's image is an important opportunity for the next years. This aspiration can be achieved firstly through better communication with the broad public, campaigns of the type necessary for attracting financing through the 2% Law being a good opportunity for explaining the activities performed by the civil society organizations. On the other hand, the existence of a number of organizations with no declared political biases, that use political influences in order to attract advantages, or that are created by economic entities supporting their interest, cannot be totally eliminated. What can be achieved is a clear differentiation between the authentic civil society and the organizations that just bear this name.

Accessing European funds is right now the main opportunity in the area of developing large projects. Due to the relatively low level of economic development, the 2% type of mechanism cannot represent a source for achieving some vast projects and because of the withdrawal of the majority of international donors, the structural funds will remain the main vast financial resource. Given the complex criteria that must be met in order to access these funds, *increasing the capacity of projects of collaboration* between the civil society organizations in Romania, but also with similar organizations in the EU member states, is an extraordinary opportunity for increasing the transfer of *know-how* for preparing applications and for accessing and implementing the projects. It must be mentioned

that a recent initiative was launched in March 2008, the *Radio NGO*, a project financed through PHARE funds and having as its purpose the creation of a communication platform dedicated only to the members of small and medium-sized NGOs.

Increasing the capacity to collaborate with local authorities according to the progress already made is an extremely important opportunity for both parties. Due to the fact that an important part of the structural funds can be accessed just in partnership with the local authorities, but also due to the fact that using the infrastructure of these authorities (physical, communicational relational) can vastly increase the possible impact of the projects, the NGOs must improve their capacity in making the local authorities interested for different projects. Through collaboration with different NGOs, the local authorities can access expertise lacking at a local level and which might only otherwise be obtained through paying some large amounts of money to the consultancy companies.

Due to the EU institutions' policy for consulting with the NGOs' sectors, *influencing the policies at the EU level* directly through this communication is an opportunity for them in terms of submitting their agenda items, but also for increasing their profile at the national and European level. Of course, due to the limited experience in this area, *participation in partnerships at European level* is an almost *sine qua non condition*. *Using the legislative instruments of the Public Consultation type and the laws of transparency more efficiently* is an opportunity to increase the NGOs' role as regards influencing the legislative framework and public policies. If the public's participation in these consultations can only bring a limited input, especially due to lack of technical expertise, the NGOs specialized in certain areas can supply high quality feedback, having at the same time a better capacity for using some constant pressure mechanisms. Nevertheless, citizens can contribute to developing public policy solutions at the local level, especially since they are the beneficiaries of these policies, having a good knowledge of the local realities and needs of the community. As well, if right now the public consultation mechanisms are valid only for the government, expanding them to the Chamber of Deputies (the Chamber of Deputies organizes informal consultations) and Senate for the process of drafting laws and to the local administration for the different public policies can significantly increase the efficiency of these mechanisms.

Developing Corporate Social Responsibility represents an important opportunity for collaboration with the business area in order to fulfill some common purposes. Beyond the access to additional funds, funds that can become more and more substantial in the next years, through the expertise the NGOs have, they can help to better direct the use of these funds by the business domain. This development must be combined with *increasing the number of professionals in the area of fundraising*, an area in which most NGOs are deficient at the present moment. It must be emphasized that future repetition of the transfer of some techniques that work in other countries, without adapting them to the local cultural, institutional and economic specific, must be avoided.

Contracting social services is, according to several research projects, an area where significant improvements can be realized. Because in the social services market, the specialized NGOs are the most important private actors (the number, but also the diversity of

services offered), they can have a crucial role. Still, due to inefficiency and over-regulation, the system for contracting social services is thorny. Given the lack of a local or national strategy concerning social needs, the financial basis for granting money for social care does not have a coherent basis, and the local authorities can create social services only when rectifying their budgets. In addition, the territorial distribution of the accredited NGOs for supplying social services is uneven. There are counties where the number of NGOs is extremely low. A future improvement of the legislation that increases the convergence of the contracting mechanisms, as well as clarifies the relation between them and special legislation, will likely lead to a rapid development of the NGOs in this sector⁷¹.

Threats

The competition for limited resources and the lack of transparency combined with a climate of distrust is a serious threat for civil society organizations. Conditioning the access to different financing resources by the rapid access to information represented a characteristic mentioned in different surveys developed in the past years. It must be mentioned that one of the fundamental sources of this de facto status is the financing structure, specifically the importance of access to a limited number of international donors that in most cases used informal channels to gather information on the organizational capacity of different NGOs. In the context of maintaining this climate, the climate of cooperation and collaboration cannot grow in the near future, given the fact that they depend on developing a climate of mutual trust. Lastly, lack of transparency is a cause that can lead to diminishing the broad public's level of trust, but is also a good means of attack against different organizations.

Increasing political dependence in the context of increasing financing from the state budget or local budget funds is a possible threat to the independence of the NGO sector. As mentioned in the paper on civil society in Hungary, lacking a very strong sectoral identity and some umbrella organizations, *divide et impera* through conditional granting funds can be successfully used by the political environment. Supporting some political forces and the involvement in partisans can become a serious threat to the credibility of Romanian civil society organizations. A new example is that of two different reactions towards the challenged decision of the Constitutional Court for declaring the non-constitutional character of the National Council for Studying Security's Archives (CNSAS). In the first group came together 24 well-known civil society organizations, and a second NGO's group directly created or incorporated by persons close to a former politician led to confusion at the mass media level. This type of event only supplies additional arguments for those hoping to discredit the independence of the civil society. As well, in the past years a series of cases took place where phantom NGOs supplied press releases almost similar to those of the political parties.

The incapacity of the Romanian state to absorb the European funds in an efficient manner is indirectly a threat for the NGO sector in Romania because it deprives it of the possibility to access vital funds directly or through partnership. Given that one year

after accession the progress was verbal and lacked a real involvement of the NGOs in this process, this incapacity can become a true problem especially since 2008 is the last year when PHARE funds can be accessed. *Not being co-opted in developing the National Development Plan*, combined with a future continuation of this lack of consultation is a threat due to the fact that the NGO sector will be deprived of the possibility of introducing its own priorities and because it will limit the development know-how necessary for creating programs based on EU funds.

Losing qualified staff, especially in the area of project writing to the consultancy companies can represent a threat if an *increase in human resources training and attraction is not achieved*. The lack of some stable financing sources for projects has been mentioned several times in this paper as a threat to the survival of many organizations of all sizes. The need for co-financing of all projects for the European funds will practically eliminate a large number of organizations from accessing these funds. If for the PHARE funds the minimum co-financing limit was 10%, in the future it will grow to 20-25%.

The lack of collaboration and initiatives at the European level is a medium term threat, limiting the possibilities of the Romanian civil society organizations for making heard their voice at the time important decisions will be made that will affect their interests in a direct or indirect manner.

Lack of clarity as regards conflict of interest is an important corruption source because it can allow the use of knowledge of those in different administrative positions in order to access funds through some NGOs. The case where the wife or other relatives of some decision makers granting funds manage an NGO are frequent, but the lack of some clarifying in this area drastically limiting honest groups' access to different financing sources.

Strategy alternatives and practical solutions

EU integration will change Romania's position, from a country in progress of democratization that has a permanent need of external pressures in order to reach different progresses, to a full EU member country having the corresponding obligations. For Romanian civil society organizations, the integration will represent an important transition period. The threats connected to the exit of some financiers and the lack of training for obtaining alternative financing are more than compensated by the presence of new opportunities.

It is difficult to sketch the solutions to the issues this sector will have to face, but a series of necessary elements can be mentioned. A good orientation of the NGOs towards fulfilling the needs of citizens in areas other than the social services, especially at a local level, is a strong opportunity for these organizations to create a powerful base at the local level. For most organizations, this is the only way to ensure a stable income that would avoid any compromises. Increasing constant communication and collaboration skills is an urgent item because lacking coalescence in this area as a way of expressing the NGO's interests will lead to a loss of many opportunities provided by EU integration. The efforts for financing this type of developments made through the PHARE program should be

continued for several years in order to register visible and sustainable progresses. Right now, there are no organizations with the resources necessary for fulfilling this task. Stabilizing financing sources is another important factor for stabilizing organizational evolution. Using already existing facilities required by the NGOs for their new capacities that will work in the short term, but developing new facilities will require significant investment of time and resources.

The European level debate on a possible common policy of the EU towards civil society organizations is an area where Romanian NGOs should make efforts in order to have their voice heard. As well, if right now the stake is not that obvious, the participation of Romanian NGOs in programs and partnerships within different *Forums at European level, umbrella organizations and federations* is one of the most efficient manners for ensuring the integration of this sector in the EU. Participation in defining the role the civil society will have in an enlarged European Union is an important stake because connected to it will be Romania's capacity for contributing to the formulation of a European identity in progress.

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Ancuta Vamesu: independent consultant, ex-Executive Director of the Civil Society Development Foundation (CSDF).

Interviews

Mircea Toma

Could you mention some of the most important recent points in the development of civil society in your country?

Our organization has sought to have an active policy concerning legislative changes that would improve the functioning of the sector. For example, the 2% law that appeared after several years of efforts. After 1996 there has been a paradigmatic change concerning the government's perception of NGOs. From once being enemies, they have become partners in elaborating public policies.

One of the factors that has affected the image of the sector is that in the 1994-1995 period, many NGOS were created just for importing old cars.

After 2004, once the new government came into office, I have had several important accomplishments – I approached the staff of the Prime Minister in order to modify the law of public acquisitions.

What are the most important factors that shaped the relationships between the state and the third sector, and government policy toward civil society in the last years?

After 2000, there had been several months when NGOs could influence the legislative process more easily. Of course, with some peculiarities given the characteristics of different NGOs. We had some activities concerning the law for free access to public information and the transparency laws in general. During the Nastase government, our access to the Chamber of Deputies was good, with a decrease in 2002 and 2003. Of course this was influenced by the fact that some NGOs had actively criticized the government.

We are now partners with the Government for a project aimed at improving the situation of Roma citizens.

Nevertheless, even at this moment, there are attempts to aggravate the sector. One example would be the recent attempt to reintroduce the legislative forecast concerning the name of the organization, especially their approval by public institutions. Many organizations would be in danger of being abolished.

How would you describe the role of civil society organizations in preparation for EU accession, and their contribution to the process of adaptation and to the development of European citizenship?

Civil society's role was to facilitate real integration for a substantiated accession process. Concerning this issue, we had an opponent type of government and not a partner type of government. We have worked together for the significant chapter of agriculture accession, but efficiency was minimal. The level of information penetration was distorted because information receiving areas have been created in just a few counties.

It was a major force of employment but there lacked the accession communicators and the project-related success rate was 15 %.

What kind of CS support could the EU give to CS in your country?

Our big problem at the moment is the lack of financial resources. While the old ones are disappearing the new ones are not adapted so as to be accessed by most NGOs.

As regards what the activities of watchdog organizations and the Government's financing offer, there is a risk for a total discreditation of their image, because organizations would receive money from the government to verify it. The 2% absorption in the area of human rights is a sub-unitary value of everything gathered, these being the organizations that are being absorbed the fastest.

In the private sector they can avoid the political subject, but they are not developed enough in order to begin supplying membership fees. This is especially because the multinational companies now have social responsibilities programs.

Do you think that the EU should have a common policy for civil society organizations?

It seems very important for an efficient normative framework to be in place. But overall, the EU is also not a fan of NGOs. The EU is created on economic relationships.

In the transparency area, Romania is in a better position than the EU because we can obtain information that at the EU level cannot be obtained, such as the lobby related to transparency.

I would suggest an expansion of transparency rendering in all areas, including the lobby and to find some solutions to ensure that financing autonomy is protected. These organizations, working on specific specialized areas, are very important since they offer feedback to the system. If they disappear the system would be without feedback. For example, we have a program on EU funds transparency. But how can we be credible measuring EU funds transparency with money from the EU?

How can members of civil society organizations surpass the gap between EU institutions and its citizens?

There are voices for the Roma organizations due to some other organizations (e.g. Soros) that have the money to pay a lobbyist. One organization is pointless but an organization's structure represented in an associated form at the EU level might develop channels through its own and it will be taken into account.

Accessing a real interface between EU institutions, civil servants and citizens is not covered right now. It is a disharmonic situation. There are items that might be subject to an intervention at the EU institutions level.

What would be the most suitable way for civil society organizations to learn from the national practices in your area?

I have facilitated information for certain target groups, but not for ourselves.

Which can be the best common policy for civil society organizations to observe on the one hand the variety of civil society traditions and at the same time to find themselves together in a new European civil society?

There is no danger of missing the local characteristics. If there is a common problem, an NGOs' coalition would form and tackle the problem. As a policy, it would be useful to have as much information about others as possible, to find out with whom we can collaborate. But if you want to lobby at the EU level, the situation is more problematic.

The question points to an acute issue – our horizon is limited to Romania's borders and to the neighboring countries; we didn't develop an "European eye" in order to get involved in issues going beyond our day to day life.

What would you consider to be the most important weakness of civil society?

The most important weaknesses would be the lack of transparency combined with scarce information

What would you consider to be the most important opportunity for Romania in the enlarged EU?

An opportunity would be to represent Romania in the EU institutions, an aspect that is not politically assumed for the time being. For Romania, the presence of our parliamentarians in the European parliament is not active enough. These parliamentarians are accepting the existing legislative proposals because this is what is believed they should do. For example, they should have done something about the Romanian cheese, telemeaua.

Mihaela Miroiu

Could you mention some of the most important moments in the development of civil society in your country?

The Soros Foundation has offered support for many NGOs, although initially there was no systematic approach on this. Probably, the program for a number of grants opened to everybody, due to which many associations have been supported.

Between 1993 and 1994 we met with some representatives of the European Commission and they accepted using the Soros model for organizing EU funds distribution in postcommunist countries. After a foundation was created in some countries, we fought between 1994 and 1996 to create an independent foundation. In the Council we had persons like Gabriel Andreescu and Andrei Plesu, so it was difficult for the government to accept having this independent body distributing more than 5 millions dollars. The animosity was also caused by the political affiliation of some NGOs.

And the year 2004 was a success through the Coalition for the Clean Parliament.

What are the most important factors that shaped the relationships between the state and the third sector, and government policy toward civil society in the last years?

I have to criticize the PDSR (1994-1996) but there are many more to be criticized in connection to the civil society that patronizes the profound Romania. My disappointment is that things would be idle without significant persons no matter the resources invested. The Government must make possible the framework in which the civil society acts. After 1996 things got nice but Ordinance no. 26 was passed only in the last year of holding office. Valeriu Stoica (ex-minister of Justice) passed the legislation only several months before the elections.

Developing association necessitates an enlightened local administration that would help citizens to organize. But, this did not exist and does not exist at this moment either.

How would you describe the role of civil society organizations in the preparation for EU accession, and their contribution to the process of adaptation and to the development of European citizenship?

The European Union was a crucial factor. There have been tens of millions EUR invested, sometimes to no avail. The mistake is that the EU is focused on form and not contents or results. Money bring along important vicious effects.

What kind of support could the EU give to civil society in your country?

The NGOs had a significant role because they helped to create a democratic alternative and to develop the multiple parties system; and of course, the free press.

EU legislation has a very important role and is very well linked within a series of institutional mechanisms. Nevertheless, the EU will press on those mechanisms that would best serve their interests rather than ours. But if we would have left everything on us and our civil society, things would had been much worst.

Do you think that the EU should have a common policy for civil society organizations?

The EU should support some networks, but I do not think that the EU should necessarily have a common policy. EU should support the European organizations the same way the European Council does. It is in our best interest. But there must be a distinction made between common policy and national policy. I believe the European Union should allow the NGOs to access structural funds.

What is the role of civil society organizations in the enlarged European Union and after the inclusion of new democracies?

There have been many campaigns but the people mobilized and we entered normality. The NGOs should support the Community acquis. Things have changed but not due to Romanian NGOs but due to the foreign ones.

How could members of civil society organizations surpass the gap between EU institutions and its citizens?

Through the resources they accessed, they brought Europe closer to the citizens. The people saw a little flag and said "It's from the European Union!" (...). I think Romanians remains fans of the EU. At the same time, I think the NGOs that are connected to the EU are connected because they help channel the resources all the way down. PHARE funds allowed this process.

What is the role that could be played by civil society organizations in shaping a common European identity?

These are big words, but unfortunately the Romanian professional lobby groups (producers, farmers, and environment) are very weak at the moment. As long as we are not organized at the national level we can not play a role at the EU level.

We have a role but we act poorly and so does the administration. There are organizations that are doing very good things, but we are not part of the great political battles. Neither the government nor the NGOs have a voice. I never heard of one aspect where our opinion really mattered. Why should we send people to the EU CES when this institution does not work in Romania? At the moment, the government does not invest in European networks.

What would be the most suitable way for civil society organizations to learn from the national practices in your area?

Concerning the EU accession process of the countries from the Balkan area, our NGOs made very good legislative monitoring. But in many areas in Romania the state had to create NGOs, like in the consumer protection area.

How would you characterize the relationships between civil society organizations at the Union level and their participation in the work of the European civil network?

We are not very present in these networks, and that is not OK. Since we sit at the table we must protect our interest but we don't. The Romanian NGOs do not have the power for a speech, for a debate and for a European network. They do not have the resources for this; they would need support from the Romanian state, but the state representatives are not capable of this.

Considering the challenges for the coming years, what would you consider as the main:

The most important strength is the resources that can be adequately valued. As weaknesses I would mention that financing depends on projects, it does not envisage a certain purpose, and that the information is not accessible. Unfortunately Romania is poor in terms of opportunities. The structural funds are an opportunity for wealthy people.

Threats: weak mobilization as regards civic initiatives and a lack of strategy.

(3) Ancuta Vamesu

What are the most important four points in time since 1990 in the development of civil society in your country?

Most of the people that started an NGO had an adventurous spirit. If until 1989, most people had friends based on their family, after 1990 this spirit was encountered outside the home. A lot of people had fought then for a cause and it was a gathering of all those thinking alike.

There have been 3 development paths:

those organizations that were born as a result of the initiatives coming from the US and that continued acting according to the US organizations model; there have also been other organizations supported from abroad, and other organizations born due to the presence of some small organizations from Western Europe. The latter have become aware of disabled people and the first phase was when the humanitarian types of associations were supported in Romania.

What are the most important factors that shaped the relationships between the state and the third sector, and government policy toward civil society in the last years?

Maybe I am radical, but I do not believe that there is or there ever was governmental support. After 1995 - 1996, this support was presented in demagogical speeches, but it never existed for real. That is because it is believed that the NGO employees are interested in money and not in a cause. A totally distorted image was created. The government began accepting non-governmental partners at the time it realized that through NGOs there would flow a lot of money towards the governmental sector that it could not access by itself – this happened sometimes until 2002. FDSC represented a great step forward for the development of civil society in Romania – it was a new concept. That was also the case of CENTRAS, which I believe resulted from the American spirit - because it has always been more professional, more technical, while FDSC was more community and missionary prone, with several poets having a credo they had to materialize in some way.

That was the time when Radu Vasile was Prime Minister. It was then when they realized that NGOs are a “necessary evil” and that we also have structured projects. The money was coming from abroad.

How would you describe the role of civil society organizations in the preparation for EU accession, and their contribution to the process of adaptation and to the development of European citizenship?

There was openness once CDR came in to office. At the time, the negotiations with the EU began to become more open, opportunities also developed for the NGOs concerning managing European funds, and right now there is a clientele-based system because most of the people working in the governmental sector also have an NGO.

What is the role that could be played by civil society organizations in shaping a common European identity?

Romania’s EU membership led Romania to become a donor of development funds; in the past it was a money receiver. The social sector and the democracy sector should benefit from the most substantial part of these resources. In the past, the money allocated to these sectors was coming from the USA or from other Western states. But now these funds have stopped coming.

Do you think that the EU should have a common policy for civil society organizations?

The European Union should have acknowledged that the new comers did not have the same relationship with the governmental sector as with the other two social sectors. Romania should be more involved in strengthening the non-governmental sector. But I do not know if there are significant differences in Hungary and Poland.

What is the role of civil society organizations in the enlarged European Union and after the inclusion of new democracies?

It is difficult to create this role, especially because there is not an NGO tradition in Romania. There are Western NGOs that live off governmental money because the state, according to the subsidiarity principle, has devolved responsibilities to the NGOs and, as a consequence, also the money.

What would be the most suitable way for civil society organizations to learn from the national practices in your area?

The Orthodox Church should be more involved in humanitarian activities. The NGO spirit, the “sector” spirit should be developed. Right now there are no meetings between the NGOs for substantial discussions. All discussions are now focused on money, but we should also discuss issues connected to identity.

Box 1: Chronology of regulatory events

1866: the first Romanian Constitution. Reglements a series of rights and liberties fundamental for the future development of the civil society.

1924: Law no. 21/1924, known as “Mârzescu law”. This law had created the legal framework for applying the principle of freedom of assembly mentioned in the 1866 and 1923 Constitutions.

1948: Communism came to power. Right to association and most civil liberties had been abolished.

1977: Romanian writer, Paul Goma initiated a petition according to the Czechoslovak model of the Chart 77, asking authorities to respect human rights

1987: Workers’ protest in Brasov are followed by a harsh repression

1989: The fall of communism in Romania started with the street protest in Timisoara

1990: Foundations and voluntary associations can be established without government permission

1991–1993: Civil society as public enemy

1992: Tax exemption of all non-profit activities, unconditional and unlimited tax deductibility of the donations to foundations

1994: Systematic regulation of sponsorship activities (Law 32/1994)

1997: Economic and Social Council is created

2000: OG 26/2000 replaces the 1924 Law regulating NGO’s activity. Public utility status is introduced

2003-2006: Law 43/2003 regulating political parties and electoral campaign financing allows for NGO’s to support political activities. This forecast raises many disputes.

2003: Public consultation are introduced as norm in Romanian legislation

2005: 1% of the personal income tax can be given to nonprofit organizations selected by the taxpayer. In 2006 the percentage is increased to 2%

Important Romanian NGOs

<i>Name</i>	<i>Area</i>	<i>Website</i>
Academia Civica	Civic education, educating the young people; the main project is the Memorial of Communism Victims and of Sighet Resistance.	www.memorialsighet.ro/ro/fundatia_academia_civica.asp
Academia de Advocacy	Strengthening and developing the private sector through advocacy, training, consultancy, monitoring and research programs	www.advocacy.ro/
Agentia de Monitorizare a Presei	Protecting the human rights, freedom of the press	www.mma.ro
AIESEC Romania,	International students association	www.aiesec.org/romania/
Alianta Civica	Consolidating the civil society and the lawful state	www.aliantacivica.ro
Alianta Nationala a Organizatiilor Studentesti din Romania	Student umbrella association	www.anosr.ro/
APADOR-CH	Promoting and protecting the civil rights; making responsible the authorities / institutions and anti-discrimination	www.apador.org
Asociatia “Salvati Dunarea si Delta”	Protecting “Delta Dunarii” (Danube Delta) Biosphere Reservation	www.salvatedelta.ro
Asociatia 21 Decembrie	Commemorating the Romanian Revolution	www.21decembrie.wordpress.com
Asociația culturală „Pro Basarabia și Bucovina”,	Supporting the closeness of Romanians on the left and right hands of the Prut River	www.probasarabia.bro.ro
Asociația Foștilor Deținuți Politici din România	Promoting the rights of former political convicts	www.procesulcomunistului.com
Asociatia Nationala a Birourilor de Consiliere pentru Cetateni	Informing and counseling the citizens on public concern issues	www.robcc.ro
Asociația pentru protecția naturii și educație ecologică	Protecting the nature and ecological education	www.wildliferomania.org
Asociatia Pentru Relatii Comunitare	Mobilizing local financial resources for the benefit of community	www.arcromania.ro

Asociația Pro Democrația	Strengthening the democracy at national and international level through stimulating the civic participation	www.apd.ro
Asociația Revolutionarilor fara Privilegii	Defending the ideals of the Revolution, the principles of freedom and democracy	www.arfp.org.ro
Asociația Română Anti-SIDA	Informing and educating all population categories on the danger represented by AIDS	www.arasnet.ro
Asociația Română de Dezbateri, Oratorie și Retorică	Educating the young people in Romania through debates	www.ardor-deb.ro
Asociația de Comunicare Ethos	Communication and public relations, organizer of the Communication Olympics project	www.ethos.ro
CENTRAS	Supplying assistance to the Non-Governmental Associations	www.centras.ro
Centrul de Resurse Juridice	Creating and operating a legal and institutional framework that would ensure observing the human rights and the chance equality	www.crj.ro
Centrul pentru Jurnalism Independent	Promoting the freedom of the press	www.cji.ro
Centrul Român pentru Jurnalism de Investigatie	Improving the quality of investigation journalism in Romania	www.crji.org
Centrului Educatia 2000+	Educational policies, services and consultancy	www.cedu.ro
Cercetășii României	Promoting the scouts	www.scout.ro
Ce-Re	Supporting the NGO's and the public institutions for learning and applying the public participation methods	www.ce-re.ro/
Crucea Roșie	Supplies assistance for vulnerable persons in disaster and crisis situations	www.crucearosie.ro
Freedom House Romania	Freedom, democracy and human rights	www.freedomhouse.ro
Fundația Accept	Defends and promotes the LGBT rights	www.accept-romania.ro
Fundația Habitat for Humanity Romania	Builds houses for the disfavored persons	www.habitat.ro

Fundația Națională pentru Dezvoltare Comunitară	Promoting the cooperation and inter-cultural and intercommunity tolerance	www.fndc.ro
Fundația Parteneri pentru Dezvoltare Locală	Promotes the local level development	www.fpd.ro
Fundația pentru Dezvoltarea Societății Civile		www.fdsc.ro
Fundația Principesa Margareta a României	Contributes to developing the civil society in Romania	www.fpmr.ro
Fundația Pro Women	Supports the women's participation in developing the society	www.prowomen.ro
Fundația Solidaritate și Speranță	Implements social, charity, cultural, educational and civic programs	www.fundatia.mmb.ro
Fundația Soros România	Institutional reform and the democratization process through the advocacy activity, supporting the development of the NGO sector	www.osf.ro
Greenpeace România	Ecology	www.greenpeace.ro
Grupul pentru Dialog Social	Promoting the democracy, the lawful state and the fundamental freedoms of the human being	www.gds.org.ro
Human Rights Watch	Promoting the human rights	www.hrw.org
Liga Apărării Drepturilor Omului	Defends the human rights	www.lado.org.ro
Liga pentru Promovarea și Apararea Drepturilor Persoanelor cu Handicap din România	Defends the disabled persons	www.ligahandicap.ro
Liga Pro Europa	Diminishing the conflicts existing between different ethnic and religious groups and neutralizing the nationalist movements from Transylvania	www.proeuropa.ro
ONPHR	Social integration of the disabled persons and fighting any form of discrimination	www.integration.ro
ProVobis	Promoting and developing the voluntary actions in Romania	www.provobis.ro
Salvați Copiii	Observing the child's rights and modifying the policies and the legislation in favor of the children	www.salvaticopiii.ro

SMURD	Emergency medical assistance services	www.smurd.ro
Societatea Academica din Romania	Promoting high quality public policies	www.sar.org.ro
Societatea de Analize Feministe AnA	Understanding and improving the condition of women in Romania	www.anasaf.ro
Societatea de Educatie Contraceptiva si Sexuala	Acts in the reproduction health area	
Societatea pentru Justitie SoJust.	Contributes to achieving an authentic and complete reform not only for the judicial area, but also for the legal professions and for the legal education system	www.sojust.ro
Transparency International Romania	Preventing and fighting the corruption	www.transparency.org.ro
Uniunii Studentilor din Romania,	Federation reuniting at national level the student associations in Romania	www.uniunea.ro
VIER PFOTEN Romania	Preserving the nature and protecting animals	www.vier-pfoten.ro
World Vision Romania	Emergency humanitarian intervention, development and advocacy programs	www.worldvision.ro

Glossary

EU Civis - Glossary EN

advocacy: the act or process of defending or maintaining a cause or proposal. An organisation may have advocacy as its mission (or part of its mission) to increase public awareness of a particular issue or set of issues.

accountability: the capacity to account for one's actions; or as a representative of one's organisation, to account for either your actions or the actions of your organisation. The term is usually used in the voluntary sector to refer to the responsibility a non-profit organisation has to inform donors of the manner in which their gifts were used.

capacity building: the process of strengthening the potential for nonprofit organisations to respond to the needs of the community they serve.

civil society organisation: voluntarily formed citizens' organisations which express and actively address the varied complex needs of society; strengthen pluralism and diversity; mediate between the citizen and the state, the citizen and the economic power; and establish mechanisms by which government and the market can be held accountable by the public. Membership in civil society organisations encourages individuals to act as citizens in all aspects of society rather than bowing to or depending on state power and beneficence. The terms civil society organisations (CSOs), nonprofit organisations (NPOs), voluntary organisations, third sector organisations, and non-governmental organisations (NGOs) are often used as synonyms. Though they share a similar general meaning, their connotations are somewhat different. When voluntary associations and private foundations are mentioned as civil society organisations, the emphasis is on the role they play in social participation, advocacy, self-help, and interest articulation.

civil dialogue: as specified by Article 47 of the Constitutional Treaty, an important feature of participatory democracy is that the European Union institutions have to "maintain an open, transparent and regular dialogue with representative associations and civil society".

contracting out services: local governments have increasingly engaged in partnerships with nonprofit organisations in their community to deliver certain public services. Contracting out services to non-profits may offer cost and/or quality advantages over government production.

corporate social responsibility: a concept based on the approach that businesses consider the interests of society by taking responsibility for the impact of their activities on customers, suppliers, employees, communities and other stakeholders, as well as the environment and the community they work. This obligation is seen to extend beyond the statutory obligation to comply with legislation and sees organisations voluntarily taking further steps to improve the quality of life for employees and their families as well as for the local community and society at large.

European Commission's White Paper on European Governance: The debate on European governance, launched by the Commission in its White Paper of July 2001, concerns all the rules, procedures and practices affecting how powers are exercised within the European Union. The aim is to adopt new forms of governance that bring the Union closer to European citizens, make it more effective, reinforce democracy in Europe and consolidate the legitimacy of the institutions. The Union must reform itself in order to fill the democratic deficit of its institutions. This governance should lie in the framing and implementation of better and more consistent policies associating civil society organisations and the European institutions. It also entails improving the quality of European legislation, making it clearer and more effective. Moreover, the European Union must contribute to the debate on world governance and play an important role in improving the operation of international institutions.

foundation: organisations with endowments established to pursue durable public purposes. Their founders can be either private persons or organisations with legal personalities. Unlike associations, foundations do not have members. They are managed by a board. Their founders are not allowed to have a significant influence on the decisions of this board. Private foundations can take several different forms, including operating foundations (e.g. foundations operating schools, nursing homes, health and cultural institutions; providing social services; publishing books and journals; managing local radio and television stations, etc.); grant seeking foundations exclusively supporting public institutions such as libraries, theatres, museums, schools, universities, hospitals, research institutes that established them or pursuing particular aims and projects such as the creation of monuments, organisation of festivals, or development of art collections; grant-making foundations that support either projects or organisations; and corporate foundations mostly supporting present or former employees of the companies.

social cohesion: the ongoing process of developing a community of shared values, shared challenges and equal opportunities based on a sense of trust, hope and reciprocity.

social dialogue: the process referring to the discussions, consultations, negotiations and joint actions undertaken by the social partner organisations between public authorities, employees' and employers' organisations. At European level, social dialogue takes two

main forms - a bipartite dialogue between the European employers and trade union organisations, and a tripartite dialogue involving interaction between the social partners and the public authorities. European social dialogue has resulted in a variety of outcomes, including the adoption of over 300 joint texts by the European social partners. Combining the values of responsibility, solidarity and participation, European social dialogue complements the national practices of social dialogue which exist in most Member States.

transparency: Article 255 of the EC Treaty gives any citizen of the Union, and any natural or legal person residing in a Member State, the right of access to European Parliament, Council and Commission documents. In addition, access to documents must be facilitated through the implementation of an electronic public register. The concept of transparency refers to the openness of the Community institutions and to their clear functioning. Transparency is linked to the citizens' demands for wider access to information and EU documents and for greater involvement in the decision-making process which would help foster a feeling of closeness to the Union.

volunteer: persons who enter into or offer themselves for a service of their own free will; volunteers are not receiving any remuneration for their work/expertise.

voluntary association: autonomous membership organisations formed voluntarily for a purpose agreed upon by their members and stated in their founding articles. Associations must have registered members who organise to actively pursue the associations' aims. Although membership organisations are not necessarily called voluntary associations and special laws and government decrees may specify rules for some of them, the basic legal regulation of voluntary associations applies to all such organisations, including societies, clubs, self-help groups, federations, trade unions, mass organisations, social organisations, etc. These organisations can be formed around common interests, intentions, concerns, hobbies, personal problems, age, residence, profession, occupation, or support for particular institutions, ideas, actions.

Coalition: informal and usually ad-hoc association method among several civil society organizations. This method usually aims at commonly supporting a common project, a specific action, or opposing a governmental, or other organizational initiative. In some cases this mean of association can be formalized in a federation. The most known example in Romania is The Collation for a Clean Parliament (CPC). The representatives of over 20 NGO's in the area of human rights came together in order to verify from the standpoint of the past activity the candidates lists of the political parties and election alliances in the local and general elections that took place in 2004.

PHARE: the PHARE program (Poland and Hungary: Assistance for Restructuring their Economies) was set up in 1989 to support economic and political transition in Poland and

Hungary. PHARE had by 1996 been extended to include 13 partner countries from the region. PHARE's assistance takes the form of grants, and its work has grown to encompass a wide range of activities. It has been one of the most important financial resources for Romanian NGOs.

Public consultation: a public participation mechanism that consists in a process through which the public is informed about public policy proposals by a planning authority (Government, Parliament or Local authorities) and invited to submit comments on them. In Romania this process has been introduced in Romania by law no. 52/2003 concerning the transparency of the decisional process in the public administration.

2% law: introduced initially as 1% law in the Fiscal Code by law no 571/2003, Title 111, was transformed one year later in 2% law. The law permits that taxpayers transfer 2% of their personal income tax to a non-profit organisation of their choice. According to the report, the first national result on the 2% campaign in 2006, in the 2005 and 2006 financial years only 8.6% of the tax payers used the possibility of redirecting 2% of the income tax to a non-profit entity, the total amount transferred being EUR 5.3 million

Economic and Social Council: institution created through law 109/1997. According to the Romanian Constitution, Economic and Social Council is defined as a consultative organism of the Parliament and Government. This institution was conceived as a public institution of national concern, tripartite, autonomous, in order to achieve a social dialogue at national level between the employers' union, trade unions and Government and the climate of social stability and peace.